

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 10] नई दिल्ली, शनिवार, मार्च 9, 1968/फाल्गुन 19, 1889

No. 10] NEW DELHI, SATURDAY, MARCH 9, 1968/PHALGUNA 19, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 27 फरवरी, 1968 तक प्रकाशित रहे गये:—

The undermentioned Gazettes of India Extraordinary were published up to the 27th February 1968.

Issue No.	No. and Date	Issued by	Subject
57	S.O. 740, dated 23rd February, 1968.	Ministry of Law.	The Advocates (Removal of Difficulties) Order, 1968.
58	S.O. 741 dated 23rd February, 1968.	Ministry of Commerce.	Orders made by the State Governments.
59	S.O. 742, dated 23rd February, 1968.	Do.	Further amendment to the Exports (Control) Order, 1962.
	S.O. 743, dated 23rd February, 1968.]	Do.	Further amendment to the Exports (Control) Order, 1962.
60	S.O. 744, dated 24th February, 1968.	Ministry of Information and Broadcasting.	Approval of the films as specified therein.
60A.	S.O. 744-A, dated 24th February, 1968.	Ministry of Labour, Employment and Rehabilitation.	Appointment of the 25th February, 1968 as the date on which the provisions of Chapter IV and Chapters V and VI of the Employees' State Insurance Act, 1948 (34 of 1948) shall come into force in certain areas in the State of Gujarat.

Issue No.	No. and Date	Issued by	Subject
61	S.O. 715, dated 25th February, 1968.	Ministry of Home Affairs.	The Government of Union Territories (Removal of Difficulties) Order No. 5.
2	S.O. 897, dated 27th February, 1968.	Ministry of Labour, Employment and Rehabilitation.	Referring an industrial dispute existing between the employers and their workmen mentioned in the Schedules I and II for adjudication to the Industrial Tribunal, Bombay.

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जायेंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

(रसा मंत्रालय की छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन की छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 24th February 1968

S.O. 817.—In supersession of the Commission's notification No.508/NL/66, dated the 28th January, 1967, and in pursuance of sub-sections (1) and (2) of section 13AA of the Representation of the People Act, 1950, the Election Commission, in consultation with the State Government hereby,—

- (i) designates, for each district in the State of Nagaland mentioned in column 1 of the table below, the officer or officers specified against it in column 2 thereof as the District Election Officer or Officers for that district; and
- (ii) specifies, in the corresponding entry in column 3 of the said Table, the area in respect of which each such officer shall exercise jurisdiction.

TABLE

District	Designation of District Election Officers	Area of jurisdiction
1	2	3
1. Tuensang	Deputy Commissioner, Tuensang.	Tuensang District.

1	2	3
2. Kohima District	(1) Deputy Commissioner, Kohima.	Kohima district excluding Phek Dimapur and Jaluke Sub-Divisions.
	(2) Additional Deputy Commissioner, Phek.	Phek Sub-Division.
	(3) Sub-Divisional Officer, Dimapur.	Dimapur Sub-Division.
	(4) Sub-Divisional Officer, Jaluke.	Jaluke Sub-Division.
3. Mokokchung District.	(1) Deputy Commissioner, Mokokchung.	Mokokchung district excluding Zunheboto and Wokha Sub-Division.
	(2) Additional Deputy Commissioner, Zunheboto.	Zunheboto Sub-Division.
	(3) Sub-Divisional Officer, Wokha.	Wokha Sub-Division.

[No. 508/NL/66.]

New Delhi, the 27th February 1968

S.O. 818.—In pursuance of section 106 of the Representation of the People Act, 1951, as continued by section 63 of the Representation of the People (Amendment) Act, 1966, the Election Commission hereby publishes the Order, pronounced on the 4th January, 1968 by the Election Tribunal Patiala in Election Petition No. 2 of 1966.

Copy of Judgement of the Tribunal in the matter of Election Petition filed by Shri Ravindra Nath petitioner on 9th of May, 1966.

ELECTION PETITION NO. 2 OF 1966

Decided on 4th January, 1968.

BEFORE THE MEMBER, ELECTION TRIBUNAL, PATIALA, (DISTRICT JUDGE OF PATIALA)

Shri Ravindra Nath, M.L.C. son of Late Lala Ishwar Dass, Sector 16-C, Chandigarh.—*Petitioner.*

Versus.

1. Shri Raghbir Singh M.P., 81 South Avenue, New Delhi.,
2. Shri Narinder Singh M.P. Rajya Sabha, Parliament House, New Delhi.,
3. Shri Neki Ram M.P., 55 South Avenue, New Delhi.,
4. Shri Sallg Ram M.P., Dharamsala, Distt: Kangra.,
5. Shri Partap Singh Daulata, Advocate, Sector 2, Chandigarh.,
6. Sh. Krishnamurthy; and
7. Shri Mange Ram.—*Respondents.*

Election petition No 2 of 1966 in the matter of Election petition filed by Shri Ravindra Nath under Sections 80, 81, 100, and 101 of the Representation of People Act, 1951, read with rules for declaring the election of respondent No. 1 (Shri Raghbir Singh) and respondent No. 2 (Shri Narinder Singh) to be void and instead declaring the petitioner to have been duly elected as a member to the council of States (Rajya Sabha) at election by members of the Punjab Legislative Assembly (Vidhan Sabha) in the election held on 28th March, 1966.

Present.—for the petitioner.—Shri Ravindra Nath petitioner in person with Shri Isher Singh Mardan Pleader and Sethi Advocate.

Present for the respondents.—Shri Raghbir Singh respondent No. 1 with Shri D. K. Puri, Advocate.

JUDGEMENT

The petitioner in the election petition has made the following averment:—

The election in question by members of Punjab Legislative Assembly (Punjab Vidhan Sabha) for electing four members to the Council of States was held on 28th March, 1966. For the said election the petitioner and the respondents Nos. 1 to 7 had filed their nomination papers and they were the contesting candidates for the election held on that date. The voting took place on 28th March, 1966, and Shri Kuldip Chand Bedi, Secretary of the Punjab Vidhan Sabha, had functioned as a Returning Officer for the purpose of the said election. In the said election four candidates had to be elected by members of Punjab Legislative Assembly to the Council of States. The respondents Nos. 1, 3 and 4 were nominated by the Congress party while respondents No. 5, 6 and 7 were contesting as independents. Respondent No. 2 was an official candidate of the Akali Dal. After the poll was over Mr. Kuldip Chand Bedi, the Returning Officer, asked the petitioner as well as other candidates to sit around the table at a distance and in such way that the full view of the ballot papers was not available to the petitioner. Mr. Kuldip Chand Bedi, hereinafter called Mr. Bedi, took out all the ballot papers from the ballot box and then arranged them candidate-wise separately on his table. During this process of keeping the ballot papers candidate-wise Mr. Bedi also kept apart a parcel of eight ballot papers separately. After the ballot papers candidate-wise had been sorted out and arranged before him Mr. Bedi started examining the parcel of eight ballot papers which he had kept apart separately. At first he took out a ballot paper and informed the petitioner as well as others present there that he was going to reject this ballot paper as it bore a cross mark. Mr. Bedi did not give any other information, although the petitioner wanted to see the full ballot paper with a view to find out as to what precise objection there was to the validity of the ballot paper. But it was not so allowed. Mr. Bedi then announced that he was rejecting this ballot paper but without permitting the petitioner to see the ballot paper and raise his objection to this. The petitioner stated that it was his belief that this ballot paper was marked in his favour as a first preference. This improper rejection of the ballot paper by the Returning Officer, therefore, deprived the petitioner of a valid vote and thereby the result of the election has been materially affected.

2. The petitioner then requested the Returning Officer to permit him to see the other ballot papers from the parcel of eight kept separately by Mr. Bedi, but he received a flat refusal. Mr. Bedi, straightaway picked out three ballot papers from the packet of eight ballot papers and put them in the parcel containing the ballot papers of respondent No. 1. The result was that three ballot papers from the eight ballot papers, which had been kept apart separately by Mr. Bedi for the obvious reason that they were invalid, were then purposely and improperly accepted in favour of respondent No. 1 and the petitioner was not given any opportunity to see the ballot papers and to point out the defects to the Returning Officer. In this way three invalid votes were counted in favour of respondent No. 1 as valid votes.

3. Thereafter Mr. Bedi took out the last remaining ballot paper from the parcel of eight on which there was written digit II (second) and placed it in the parcel of ballot papers of respondent No. 1. The said mark was a mark by which the elector could be identified and had been got placed at the instance of respondent No. 1 in pursuance of a previous concert with the voter so that he could be identified and should, therefore, have been rejected. Further this mark did not signify the second preference for any Candidate and, therefore, could not have been given credit to any candidate on the ground that the second preference had become the first preference. The Returning Officer had already improperly accepted three ballot papers by putting them in the parcel of ballot papers of respondent No. 1, which he had picked up from eight ballot papers kept separately, which were in fact invalid. Thus, by this improper acceptance of three votes in favour of respondent No. 1 which were void, the result of the election of respondent No. 1 has been materially affected and respondent No. 1 was illegally declared to be elected.

4. The petitioner continues to say in his petition that the Returning Officer thereafter counted the votes and the results of the first preference votes was as follows:—

Shri Raghbir Singh Panj hazari	25
Shri Narinder Singh	32
Shri Neki Ram	28
Shri Salig Ram	37

Shri Partap Singh Daulta	5
Shri Krishnamurthy	1
Shri Mange Ram	x
Shri Ravindra Nath	23

As the petitioner was convinced that the Returning Officer had improperly received for respondent No. 1 as valid three ballot papers, which were void and which had been put in the parcel of respondent No. 1 from the parcel of eight kept separately, he requested the Returning Officer to re-examine and recount the ballot papers of respondent No. 1, but the said request was summarily rejected by the Returning Officer, who refused to re-examine and recount votes of respondent No. 1. The result was that three ballot papers, which had at first been kept apart as being liable to be rejected by the Returning Officer himself and later on for no reason been improperly placed in the parcel of ballot papers of respondent No. 1 were also improperly received as valid votes. This refusal of the Returning Officer to re-examine and recount the ballot papers, the petitioner asserted, is in violation of the Act, 1951 and its Rules and this action of the Returning Officer is not complying with the mandatory provisions of the Act and Rules, has materially affected the result of the petitioner in so far as the election of respondent No. 1 is concerned. The final count of the votes obtained by the petitioner and respondent No. 1 after transfer of surplus votes emerged as follows:—

(1) *Shri Raghbir Singh*—respondent No. 1

Votes polled in first count	25
Points through benefit of second preference votes of candidates declared elected	0.92
Benefit of two second preference votes of Shri Partap Singh Daulta	2
TOTAL	27.92

(2) *Shri Ravindra Nath*—Petitioner.

Votes polled first count	23
Points added through benefit of second preference votes of candidates declared elected	1
Benefit of second preference through Shri Krishnamurthy	1
Benefit of second preference votes through Shri Partap Singh Daulta	2
TOTAL	27

The petitioner further stated that the Returning Officer afterwards declared the result and announced the election of respondents Nos. 1 to 4 having been elected to the Council of States.

5. The result of the election in so far as it concerns respondent No. 1 has been materially affected, according to the assertion of the petitioner, by improper reception of three votes which are void. The Returning Officer while keeping eight ballot papers apart had considered them as invalid and it was not open to him under the Rules to treat these votes as valid votes without showing the same to the petitioner and other candidates. The vote carrying digit II (second) was invalid vote and it was counted in favour of respondent No. 1. This vote was counted in an illegal manner for respondent No. 1. Had this vote not been counted in favour of respondent No. 1 then the petitioner would have obtained 27 votes and respondent No. 1 would have got in that case 24.92 votes. In that event the petitioner was to be declared elected. The vote having figure (II) was invalid vote and was taken as valid vote by the Returning Officer in spite of the objection raised by the petitioner. The petitioner was denied any opportunity to see the ballot papers and his objections were not entertained by the Returning Officer. The petitioner has specifically requested the Returning Officer to re-examine and recount the ballot papers of respondent No. 1 but the Returning Officer had arbitrarily and *malafide* refused to do so. This conduct of the Returning Officer has resulted in the illegal and improper reception of votes in favour of respondent No. 1 and the margin of votes has been increased by such illegal acceptance.

The petitioner further stated that the inspection and the scrutiny and recounting of ballot papers of respondent No. 1 would clearly reveal that the invalid votes have been counted in his favour and has, therefore, materially affected the result of election.

(NOTE.—The prayer of the petitioner for allowing him to inspect the ballot papers was *rejected by this court's orders dated 29th November 1967).

The vote which has been rejected by the Returning Officer as invalid vote because it contained a cross mark, the petitioner has stressed, has been improperly rejected and the said vote should have been counted for the petitioner and if thus counted it would have increased the votes of the petitioner to 28 and he would, therefore, have been entitled to be declared elected as against respondent No. 1 whose final votes were to be 27.92.

6. The petitioner further stated that the election of the respondent No. 1 is also liable to be set aside as he had committed the following corrupt and malpractices of putting undue influence and also having made a false statement with regard to the candidature of the petitioner within the meaning of 123(2) and 123(4) of the Act.

(NOTE.—The allegations of corrupt and malpractices against respondent No. 1, however, later on were given up by the petitioner. He laid stress only with respect to the wrong and invalid reception of votes, as stated above).

The petitioner in his petition regarding corrupt practices stated thus:—

7. That the three candidates who were officially approved by the Congress Parliamentary Board were respondents Nos. 1, 3 and 4. The Parliamentary Board had authorised the Chief Ministers to set up candidates on marginal seats if they wished to do so. Accordingly the petitioner who is a senior Congressman, being a member of A.I.C.C. had been allowed by the Chief Minister, Punjab, to contest the fourth seat on the specific assurance that the surplus votes will be cast for him. To make the petitioner's candidature secure the Chief Minister had even obtained permission of the Congress President Shri Kamaraj before asking him to file nomination papers. The petitioner had never meant to defy the wishes of the Congress Party and he had so stated in his various communications to the Congress President and to the Chief Minister, Punjab. He had in his letter of 20th March, 1966, clearly informed the Congress President, Mr. Kamaraj that although he was fighting for the fourth seat with his approval, respondent No. 1 was putting pressure through different sources against the petitioner.

8. That the respondent No. 1 not only put undue influence and pressure on the petitioner to make him withdraw his candidature but he also got published a false statement which is false and which respondent No. 1 believes to be false to the effect that Mr. Kamaraj, Congress President, had directed the Punjab Congress to contest only three seats for the Rajya Sabha. A copy of the news item published in the Tribune of 27th March, 1966, is attached as P. 2. This was a false statement got published by respondent No. 1 with respect to the candidature of the petitioner and was a statement reasonably calculated to prejudice the prospects of petitioner's election. The obvious intention behind this statement was to create prejudice amongst the electors who would necessarily carry the impression that the Congress President had forbidden even the casting of second preference votes to the petitioner. But as the Congress President had never so directed and the news item which was got published by respondent No. 1 was a false statement which he did not believe to be true in relation to the candidature of the petitioner and as the said statement was reasonably calculated to prejudice the prospects of the petitioner's election, respondent No. 1 has committed the corrupt practice under 123(4) of the Act and his election is, therefore, void.

9. That the respondent No. 1 is also guilty of the corrupt practice of undue influence with the exercise of the electoral right with the various Congress members who were made to believe by the news item got published in the Tribune, as mentioned earlier, that they would render themselves liable for election by the Congress President if they even cast their second preference vote for the petitioner. He thus, adopted pressure tactics twisted facts and conducted false propaganda and went to the extent of wilfully exploiting the name of Shri Kamaraj to sabotage the decision of Shri Kamaraj himself with regard to the *bona fide*

candidature of the petitioner. This action of the respondent No. 1 amounted to the interference with the exercise of the electoral right of the voters by putting them in fear and, thus, amounted to corrupt practice within 123(2) of the Act. Respondent No. 1 also provoked respondents Nos. 3 and 4 against the candidature of the petitioner and then made them to join him in exercise of undue influence by making personal and written protests in the A.I.C.C. office in spite of the fact that he was aware of the fact that the petitioner had not become a candidate of his own free will but had done so with the full knowledge and approval of Congress President and Chief Minister. The respondent No. 1 showed complete disrespect for the wishes of the Congress President and instead of trying to help his party in defeating the opposition candidate he worked feverishly to sabotage the petitioner's candidature thus giving indirect strength to the opposition candidate. This clearly shows that the respondent No. 1 bore personal ill-will against the petitioner and he was ready to go to any length to harm his position in the party, his social good will and his candidature in the election. The undue influence and interference of respondent No. 1 with the candidature of the petitioner extended itself to putting pressure through Central leaders and some Punjab leaders on the Chief Minister to reverse his decision. As a result of these high pressure tactics and false statements the respondent No. 1 exercised such heavy pressure on the Chief Minister, Mr. Ram Kishen that although he had firmly stood by the petitioner's candidature till 27th, he was forced to send a telegram to the petitioner on 27th night asking him to withdraw from the contest. Respondent No. 1 exercised pressure throughout but on 27th March, 1966, he mounted this pressure on Mr. Ram Kishen himself and through a few others who were in league with him. The Congress President Shri Kamaraj had left Delhi for Madras on 27th morning by plane and respondent No. 1 took full advantage of his absence from Delhi at that crucial time. Tremendous undue influence was exercised by respondent No. 1 on the petitioner to withdraw his candidature or in default he was threatened with social ostracism and expulsion from the Congress organisation to which he belongs. Respondent No. 1 was openly moving about amongst the various voters throughout the day of 27th as well as on the morning of 28th telling them that they should socially ostracise the petitioner and also threatening them that if any of them cast his vote for the petitioner he would also be expelled from the Congress organisation. Among the voters belonging to the Opposition Parties the line of appeal of respondent No. 1 was that since the petitioner had been directed by the Congress President to withdraw from the contest the votes which they had committed to him could now be cast in his favour i.e. in favour of respondent No. 1. Such an appeal that the Congress President has withdrawn his support in favour of the petitioner, which he made to the voters and which was false and which the respondent No. 1 did not believe to be true, and it was calculated to reasonably prejudice the candidature of the petitioner and the election of the respondent is, therefore, void. The respondent No. 1 was determined to go to any extent to oust the petitioner from the contest. He felt that respondents Nos. 5, 6, and 7 will get very little votes and would not be considered as serious candidates and that this leaves only five serious candidates in the field against four seats to be filled. Therefore, the entire game of the respondent No. 1 was that if somehow he could force the petitioner to withdraw then only four serious candidates who to be left in the field against four seats and thus the pattern of election would have changed from a contest to an automatic victory of three Congress and one Opposition candidate. The respondent No. 1 thus proved by his actions that he would rather facilitate victory of an opposition candidate than let the Congress party, to which he belongs, try to win the fourth seat for which the Congress President and the Chief Minister had decided to put up the petitioner as a candidate.

10. That the election of respondent No. 2 is also void as he has obtained votes by the commission of corrupt practice by making an appeal to the Sikhs to vote for him on the grounds of his religion and community. He also appealed to Sikh voters belonging to the Congress party to vote for him on the ground that the Congress was always interfering with the Sikh religion and that therefore Sikh Congressmen should vote for the Akali candidate instead of voting for the Congress candidate. With the help of Giani Kartar Singh, M.L.A., and others, the respondent No. 2 approached individual Sikh voters belonging to the Congress party and appealed to them to vote for him on account of his religion. In pursuance of this appeal, respondent No. 2 appealed to Giani Kartar Singh not only to vote for him but also to obtain from him the votes of other Sikh Congressmen by appealing to them on the ground of his religion. This talk was overheard by Shri Ram Parkash, M.L.A. in the Lobby of Punjab Legislative Assembly on 26th March, 1966. Respondent No. 2 was telling Giani Kartar Singh that he must

vote for him as they were also Sikhs and as such it was a question of the prestige and interests of Sikh religion and Sikh community that he, that is, the respondent No. 2, who was put up to represent the Sikh community is got elected. He told him that full efforts should be made so that he gets the maximum of votes so that it could be demonstrated beyond any doubt that Sikhs stood solemnly behind him. He specially appealed to Giani Kartar Singh that he had been a staunch proponent of Akali Dal and as he clearly believed that Sikhs must function together it was incumbent on him to uphold the interests of Sikh religion and Sikh community by not only voting for him but also by persuading others to vote for him. Giani Kartar Singh replied that he was quite conscious that the defeat of respondent No. 2 would be the defeat of Sikh community and that he would surely vote for him in the interest of Sikh religion and Sikh community. Respondent No. 2 also told Giani Kartar Singh that he had also similarly appealed to Sarvshri Gurmit Singh, Jasdev Singh Sandhu, Tikka Jagjit Singh, Darshan Singh, Plara Singh, Jaswant Singh Guru and three others to vote for him as it was a question of the prestige of Sikh religion and community and that the said persons had also assured him that it was a question of religion and community and they would also be voting for him. This whole talk was overheard by Shri Ram Parkash M.L.A.

11. That the elections of the Rajya Sabha were very hotly contested and it had become a matter of prestige for the Congress Party as well as the Akali Dal. The Congress Party was naturally anxious to see that it should not suffer in prestige because of the decision of the re-organisation of Punjab and wanted to show that it was still able to win three seats which according to the strength in the Assembly it was entitled to. The Akali Dal had put up respondent No. 2 as its candidate with the direct blessings of Sant Fateh Singh, its President. The propaganda by the respondent No. 2 was standing as a representative of the Sikhs and that his victory will be a victory of Sikhism and his defeat will do harm to the Sikh religion. Respondent No. 2 appealed to the Sikh members of the Assembly to vote for him on the ground of religion. The respondent No. 2 did not confine his appeal to the Opposition legislators but his appeal was directed to all the Sikh legislators whether belonging to the Congress Assembly Party or to the other Opposition groups. The respondent No. 2 by thus making an appeal to vote for him on the ground of religion and community and to refrain from voting for the non-sikh on the ground of his religion and community and for the furtherance of the prospect of his election and for prejudicially affecting the election of the petitioner has committed a corrupt practice under section 123(3) of the Act and his election is, therefore, void.

12. That the appeal by the respondent No. 2 to vote for him on the ground of his religion, caste and community for the furtherance of the prospect of his election was successful and he obtained a number of votes on the basis of this appeal.

13. That Giani Kartar Singh, M.L.A., personally went to the office of Comrade Ram Kishan, Leader of the Congress Party and in the presence of the petitioner, who was sitting there, told him that his name should be removed from the panel of Mr. Raghubir Singh and should be put in some other panel. Similar proposal was made by Giani Kartar Singh on behalf of another Congress voter, Mr. Jasdev Singh Sandhu, M.L.A. Giani Kartar Singh, who is now in the Congress, has always been known as a staunch Akali. He has always been in the forefront in pressing forth the demands of the Akali Party regarding language formula, formation of linguistic regions and demand for Punjabi Suba etc. Even though in the Congress his was always a dissenting voice whenever the Congress tried to unanimously oppose the creation of Punjabi Suba. Therefore, for Giani Kartar Singh to seek the removal of his name and the name of Mr. Jasdev Singh Sandhu, M.L.A., from the panel of a Sikh Congress candidate is a clear indication that he wanted to cast his vote in favour of Akali candidate. Thus, he wanted to have his name removed from panel so that his vote for respondent No. 2 would not harm another Sikh respondent No. 1. Thus, the appeal of respondent No. 2 to ask for vote on the ground of his religion and community succeeded fully. Apart from these two votes respondent No. 2 himself personally as well as through Giani Kartar Singh and other influenced some other votes and in this manner he got at least ten votes polled in his favour by Sikh Congress voters through an appeal on the ground of religion and community as already explained.

14. That as already submitted, the Congress Party was very anxious that the Congress members who had been nominated for the said election, namely respondents Nos. 1, 3 and 4 should not lose votes and it was for this reason that Mr. Ram Kishan, Leader of the Congress party and the Chief Minister, Panjab,

had issued a circular directing the Congress M.L.As. to vote strictly according to duly approved directions which could be had from the Party office set up in the Vidhan Bhawan. The Congress M.L.As. were also further directed that they should vote only for the duly approved candidates which were respondents Nos. 1, 3 and 4. A copy of the circular dated 28th March, 1966 is Ex. P. 3.

15. That even earlier than this, the leader of the Congress Party and the Chief Minister, Mr. Ram Kishan, issued a circular letter dated 26th March, 1966 (P.4) to all the members of the Congress Legislature Party in the Punjab Vidhan Sabha, requesting them to cast their votes in favour of the Congress candidates as per directions and also directed them that each member cast his vote in favour of the Congress nominee.

16. That Giani Kartar Singh, M.L.A., and other nine Sikh M.L.As, belonging to the Congress Party (with the exception of Tikka Jagjit Singh who joined Congress afterwards) who voted for the respondent No. 2, had fought the last General Election in 1962 on Congress Ticket. The said Congress members are continuing as members of the Congress Party and there is no suspension or expulsion ordered against them. They in fact are continuing as full-fledged members.

17. That because of the importance of these elections it was to be expected that the said persons, being senior Congressmen, would naturally vote for the Congress candidate. There could be no reason why the Congress members belonging to the Congress Party should not have voted for the Congress Candidate. But it seems that the appeal of respondent No. 2 to vote for him on the ground of his religion and community proved irresistible to the said persons and they, therefore, betrayed the Congress party and voted for respondent No. 2 on an appeal made to on account of his religion and community.

18. That but for the votes obtained by respondent No. 2 by this corrupt practice by these persons which are ten the petitioner would have obtained a majority of valid votes.

19. That the votes of the ten Sikh M.L.As, belonging to Congress Party which had been obtained by respondent No. 2 by corrupt practice should be excluded from the total of 32 votes polled by respondent No. 2. After the elimination of such votes, as obtained by corrupt practice, the balance of votes left to respondent No. 2 is reduced by at least 10 votes and the petitioner, who obtained 27 valid votes is, therefore, entitled to and should be declared elected.

20. That it is clear that the petitioner received a majority of valid votes against respondent No. 1 because if the votes which were improperly received for the respondent No. 1 are excluded the petitioner would have received majority of valid votes.

21. That the inspection, security and re-examination and recounting of the ballot papers of respondent No. 1 would clearly show that four votes have been improperly received in his favour which votes were void and the result of the election has been thus materially affected.

22. That similarly, inspection, security and re-examination and recounting of the ballot papers of respondent No. 2 would show that ten votes were obtained by him on account of the corrupt practice and the said votes could not have been counted for him. That by thus including these ten votes obtained on account of the corrupt practice the result of the election of respondent No. 2 has been materially affected.

23. That with the consent of respondent No. 2, a sum of Rs. 2,000 was offered by a Deputy Minister to Thakur Mehr Singh M.L.A. to vote for respondent No. 2. Thakur Mehr Singh has lodged a complaint to this effect with the Chief Minister, Punjab, and some other leaders. The respondent No. 2 has thus committed a corrupt practice within the meaning of section 123(1) of the Act and his election is, therefore, void.

24. That as the respondent No. 1 has also committed the corrupt practice of false statement under Section 123(4) his election should be declared void.

25. That the election of respondent No. 2 be also declared void as he has also committed the corrupt practice on the ground of his religion and community as mentioned in Section 123(3) of the Act.

26. That a deposit of Rs. 2,000 as required under Section 117 of the Act is herewith enclosed.

27. The petitioner, therefore, prayed as under:

- (a) That the inspection, security and recounting of ballot papers of respondents No. 1 and 2 be ordered and the void votes which have been received and counted in favour of respondents Nos. 1 and 2 be excluded from the number of votes cast for them.
- (b) That a scrutiny of the rejection ballot paper should also be ordered and the vote which was improperly rejected should be received and counted in favour of the petitioner.
- (c) That after inspection and scrutiny and recounting the ballot papers of the respondent No. 1, four ballot papers which were improperly received for respondent No. 1 should be excluded from the counting and the total votes thus cast for respondent No. 1 be declared as 23.92 and the petitioner who has obtained majority of valid votes cast for him should be declared elected.
- (d) That similarly the ballot papers of ten persons who have voted in favour of respondent No. 2 because of commission of corrupt practice should be excluded from his counting and after such exclusion, the votes of respondent No. 2 be declared as 22 and the petitioner who has obtained majority of valid votes should be instead declared elected.
- (e) That the election of respondent No. 1 who has committed the corrupt practice under 123(2) and 123(4) should be declared void.
- (f) That the election of respondent No. 2 who has committed the corrupt practice under 123(1) and 123(3) should be declared void.
- (g) That as the Returning Officer has deliberately violated the Act and the Rules, the inspection, scrutiny and the recounting of all the ballot papers of all the respondents be done and after proper scrutiny and recounting the votes cast in favour of the petitioner which have been improperly received and counted in favour of the other respondents be excluded and instead be counted in favour of the petitioner.
- (h) That the petitioner who has obtained majority of the valid votes should be declared duly elected to the Rajya Sabha from the election held by the members of the Punjab Legislative Assembly on 28th of March, 1966.

28. On account of the above mentioned allegations the petitioner has made a prayer that he had obtained majority of votes and the Returning Officer did not count the vote cast in his favour in a proper manner. He has made a prayer that he may be declared as elected and the election of respondents Nos. 1 and 2 be declared void.

29. The election petition was contested only by Shri Raghbir Singh respondent No. 1 and proceedings against Shri Narinder Singh respondent No. 2 and other respondents were taken *ex parte*. The petitioner later on gave a statement that he was not to make any claim against the validity of the election of respondent No. 2 Shri Narinder Singh. Therefore, the contest remained only between the petitioner and Shri Raghbir Singh respondent No. 1.

30. In reply Shri Raghbir Singh respondent No. 1 stated that the election petition does not contain a concise statement of material facts on which the petitioner relied but instead it contains long narration of vague allegations incapable of being replied to specifically and definitely. The petition is, therefore, bad for non-compliance with the provisions of Section 83 of the Representation of People Act, 1951. Objection was also raised regarding its proper verification. Out of the ballot box the Returning Officer collected 152 votes and the number was recorded by the Returning Officer in a statement prepared there and then. Thereafter the Returning Officer with the help of his Assistants began scrutinizing the ballot papers one by one. Out of these ballot papers only one ballot paper was rejected in which the figure 1 was not marked against any name and only a cross mark was put in the place opposite the name of a Candidate. All the candidates including the petitioner agreed with the Returning Officer that this ballot paper with a cross mark was invalid. It was denied by the respondent No. 1 Shri Raghbir Singh that eight ballot papers were kept apart separately by the Returning Officer. The question of separately examining the parcel

of eight ballot papers, therefore, in view of the respondent did not arise. It was also denied that the Returning Officer refused to show the rejected ballot papers to the petitioner. The ballot paper having a cross mark, the respondent asserted, was invalid and was properly rejected by the Returning Officer. The decision of the Returning Officer was correct and, therefore, could not be challenged. The Returning Officer acted properly and procedure laid down was followed by him at the time of counting the votes. There was no improper acceptance of any ballot paper in favour of respondent No. 1 and the petitioner was given every opportunity to see the ballot papers and to point out the defects to the Returning Officer. The respondent continued to say that none of the candidates of their counting agents including the petitioner in any way objected to any of the decision of the Returning Officer. The petitioner never made a request to the Returning Officer to examine any other ballot paper accepted as valid with a view to objecting to its validity. The scrutiny of ballot papers was done by the Returning Officer with the help of his Assistance and it was after one vote had been rejected that the ballot papers were sorted candidate-wise according to the first preference shown. It was after the elimination of some candidates that it was noticed that in one of the ballot papers second preference had been expressed by figure 'II' in Roman numerals against the name of the respondent (Shri Raghbir Singh) and in accordance with the Rules the value of this ballot paper was transferred in his (respondent No. 1's) favour. The respondent denied that the Returning Officer placed this ballot paper in the parcel of ballot papers of the respondent in the first instance as alleged. It was also denied that there was any mark of identification on this ballot paper or that by the second preference as shown by figure 'II' in Roman numbers, the voter could be identified or that there was any pre-concert between the voter and the respondent regarding the identification of the ballot paper. It was also not admitted and was controverted that the figure 'II' in Roman numerals did not signify the second preference for the respondent. The respondent asserted that a ballot paper on which the second preference was shown by figure 'II' in Roman numerals was quite correct and valid in accordance with the Rule 73 of the Conduct of Election Rules, 1961, as amended at the relevant date.

31. The respondent continues to say that all the candidates including the petitioner and the Counting Agents were given proper opportunities to watch the scrutiny and counting of ballot papers and to see the ballot papers and to make any objections, if they so liked. It was denied that any void votes were received or counted for respondent No. 1. It was asserted that the election was held in a proper manner and the respondent was declared elected in a proper and valid manner. Since the respondent had received a larger number of valid votes than the petitioner, therefore, the petitioner could not be declared elected. The petitioner never asked for the recount and did not object the manner the counting was made by the Returning Officer. Every act done by the Returning Officer was endorsed by the petitioner to be correct at the time of the poll. All the allegations put by the petitioner in the petition were denied including the facts or allegations mentioned in paras 21 to 41 of the petition.

32. I need not mention the facts regarding the reply given by Shri Narinder Singh respondent No. 2 because he was proceeded against *ex parte* and the petitioner had given up his claim against him.

33. In view of the pleadings of the parties my learned predecessor Shri Banwari Lal Nagpal framed the following preliminary issues, on 8th October, 1966:

1. Whether the election petition is bad for non-compliance with the provisions in clause (a), Section 83 of Representation of the People Act, 1951, inasmuch as it does not contain the concise statement of material facts, on which the petitioner relies. If so, to what effect?
2. Whether the election petition is bad having not been verified in the manner prescribed in the Code of Civil Procedure. If so, to what effect?
3. Whether the election petition is bad for non-compliance with the provisions in clause (b), Section 83 of Representation of the People Act 1951, inasmuch as it does not set forth full particulars of the alleged corrupt practices. If so to what effect?
4. Whether the allegations made in the election petition are vague and to what effect?
5. Whether the election petition is bad for want of proper affidavit, as required under the proviso to Section 83 of Representation of the People Act and to what effect?

6. Whether the allegations made in paras 21, 22 and 23 of the election petition amount to the commission of corrupt practices within the meaning of Sub-sections (2) and (4) of Section 123 of Representation of the People Act, 1951?
7. Whether the election petitioner is entitled to the relief claimed in para 33 of the election petition, on the grounds mentioned in that paragraph?
8. Whether the recrimination statement filed on behalf of respondent No. 1 is not duly signed and verified and to what effect?
9. Whether the recrimination statement is not competent on the facts stated therein, because of the absence of the prescribed affidavit?
10. Whether the notice under Section 97 of Representation of the People Act, 1951, given and the recrimination statement filed on behalf of respondent No. 1 are invalid, because of the insufficiency, if any, of the security deposit, made by respondent No. 1, within the time allowed, if any?

Thereafter on 24th October, 1966, my learned predecessor framed the following issues on merits:

1. Whether during the counting of votes the petitioner was denied the opportunity of seeing the ballot papers and making his objections to the validity of the same and to their being received for respondent No. 1, if so, to what effect, and whether this non-compliance materially affected the result of this election in so far as it relates to respondent No. 1?
2. Whether in the counting of votes made after the poll, without giving opportunity to the petitioner to see a ballot paper, the Returning Officer rejected that vote as invalid?
3. Whether the rejection by the Returning Officer of that ballot paper was improper or illegal?
4. If issue No. 3 is found in favour of the petitioner, whether the improper rejection of that vote, materially affected the result of the election in so far as it relates to respondent No. 1?
5. Whether in the first instance the Returning Officer kept separately a bundle of 8 ballot papers, and whether out of that bundle, subsequently, without giving opportunity to the petitioner to point out the defects, he picked out three ballot papers and placed those ballot papers in the bundle of the valid votes for respondent No. 1?
6. Whether the three votes so accepted in favour of respondent No. 1 were invalid votes?
7. If issue No. 6 is found in favour of the petitioner whether the improper acceptance of the three votes, referred to above, in favour of respondent No. 1 materially affected the result of the election in so far as it relates to respondent No. 1?
8. Whether in the bundle, referred to above, of 8 polled ballot papers, there was a ballot paper, on which any preference was marked as II?
9. Whether the figure II on that ballot paper did not signify correctly the second preference for respondent No. 1 against whose name that figure was marked and for whom this vote was counted?
10. Whether the figure II had been got placed on that ballot paper at the instance of respondent No. 1 in pursuance of a previous mutual arrangement, by which the voter could be identified?
11. Whether the acceptance of this allegedly invalid vote for respondent No. 1 had materially affected the result of the election, in so far as it relates to respondent No. 1?
12. Whether at the time of counting the petitioner requested the Returning Officer to re-examine and recount the ballot papers of respondent No. 1. If so, at what stage such a request, if any, was made?
13. Whether the Returning Officer rejected that request of the petitioner, and whether that rejection of request by the Returning Officer to re-examine and recount the ballot papers of respondent No. 1 had violated the provisions in Act 43 of 1951 or the rules or orders made thereunder?

14. Whether this non-compliance, if any, by the Returning Officer, materially affected the result of the election, in so far as it relates to the election of respondent No. 1?
15. Whether the publication of the alleged statement P. 2 amounted to undue influence by respondent No. 1 on the petitioner to coerce him to withdraw from the election contest. If so, whether the same materially affected the result of the election, in so far as it relates to respondent No. 1?
16. Whether the publication of the news item P. 2 in the Tribune dated 27th March 1966 was made at the instance of respondent No. 1, or respondent No. 1 is responsible for that publication?
17. Whether the publication of the news item P. 2 is covered by the provisions in Sub-section (2) or (4) of Section 123 of Representation of the People Act?
18. Whether respondent No. 1 has committed the alleged corrupt practice of false statement referred to in Para 22 of the election petition, and whether that has materially affected the result of the election in so far as it concerns respondent No. 1?
19. Whether the election of respondent No. 1 or of respondent No. 2 is invalid, because of any alleged corrupt practices, referred to above, or because of the violation, if any, of any provision of law or rules, referred to above, in the acceptance or rejection of votes?
20. Whether in this election the petitioner had received a majority of the valid votes, sufficient to declare him elected in this election?
21. Whether but for the votes, if any, obtained by Shri Narinder Singh, respondent No. 2, one of the returned candidates, by alleged corrupt practices the petitioner would have obtained a majority of valid votes, sufficient to entitle him to be declared elected in this election?
22. Relief.

34. During the trial of the case the dispute between the parties had narrowed down and his claim was contested (by the respondent No. 1) within a narrow and limited campus. The contest between the parties remained only with respect to the following two issues:

- (1) Whether the ballot paper containing the cross mark was a first preference vote of the petitioner and the same should have been counted as such at the time of the counting of the votes?
- (2) Whether the vote containing figure 'II' in Roman numerals was an invalid vote and the Returning Officer should have rejected it instead of arranging it as a second preference for the respondent Reghbir Singh?

The other issues of the case, therefore, were not pressed before me. Nothing was said regarding the mal or corrupt practices committed by the respondent Sh. Raghbir Singh (as detailed *vide* paras 21 to 41 of the petition).

35. Under the circumstances it will be desirable to go through the evidence of Shri Kuldip Chand Bedi, Returning Officer in this case, to find out as to how he had conducted himself at the time of counting the votes.

36. Shri Kuldip Chand Bedi (R. W. 1) is very important witness in this case. He was the Returning Officer for election by members of the Punjab Legislative Assembly (Vidhan Sabha) to the Council of States (Rajya Sabha). He stated that the counting of votes took place on the 28th of March, 1966, and the polling had also taken place on the same day, while the counting started immediately after the Poll had finished. The counting was done in the Committee Room of the Punjab Vidhan Sabha. According to him the following persons were seeking election:

1. Shri Krishnamurthy.
2. Shri Mange Ram.
3. Shri Narinder Singh.
4. Shri Neki Ram.
5. Shri Pratap Singh Daulta.
6. Shri Raghbir Singh (respondent No. 1).
7. Shri Ravindra Nath (Petitioner).
8. Shri Salig Ram.

The following persons, he stated, were the Counting Agents:

1. Shri Mange Ram candidate for himself.
2. Shri Raghbir Singh.
3. Shri Ravindra Nath candidate for himself.
4. Shri Salig Ram candidate for himself.
5. Shri Narinder Singh candidate for himself.
6. Shri Sultan Singh for Shri Neki Ram.
7. Shri Darshan Singh for Shri Raghbir Singh.
8. Shri Jai Inder Singh for Shri Salig Ram.

The Counting Agents, the witness continued to say, were appointed under duly filled forms and the originals were with the witness when he entered in the witness box. He further stated that at the time of the counting no one else was allowed to be present except the candidates and the counting agents duly appointed. The ballot papers had already been put by the voters in the sealed box lying in that room. He showed the sealed padlock on the ballot box and then opened it in the presence of the above said persons. He took out ballot papers out of the ballot box and placed the same on the table. The empty box was shown to all the persons present there. The total votes polled was 152 and the ballot box contained 152 ballot papers. The ballot papers were then placed in order after sorting them. The ballot papers were placed in the file of the each candidate according to the marking. The witness further deposed that he had scrutinized and seen each of the ballot papers before the same were placed in the files of the respective candidates. It means all those ballot papers, which were found in order and correct were placed by the Returning Officer in the file of the each concerned candidate. The witness further stated that he, however, retained two or three ballot papers with him. He retained the three ballot papers with him as he doubted their validity.

37. In the same manner he took out second ballot paper out of the three ballot papers retained by him. In one column of that ballot paper two preferences had been indicated by the person who had exercised the right of vote with the help of that ballot paper. In one column figure '1' was written as it indicated one while writing English numeral. In other column two vertical lines were drawn as if two figures of English numerals '1' are written side by side. In the similar manner he folded the second ballot paper also that only two vertical drawn lines in the column concerned were visible and the remaining portion of the ballot paper was not visible. This second ballot paper, as folded in the above said manner, was shown to the candidates and their counting agents. The witness further deposed that he declared that the two vertical lines drawn in the aforesaid manner in the particular column indicated that it was a second preference which was exercised by the voter. The witness continued to say that he thought while declaring so that the candidate had written digit second while drawing the two vertical lines in the particular column in Roman numerals. No one present out of the above said persons, the witness stated, objected to his decision. The third ballot paper was valid and it was placed in the file of the respective candidate. The witness very clearly stated that he declared 151 ballot papers to be valid and he declared only one ballot paper as invalid. Thus, from the statement of this witness it is clear that the second vote was given due value to the person for whom first preference was indicated and the value of this vote was also given to the person as second vote in whose column two vertical lines were drawn, regarding which the Presiding Officer held that this writing indicated as if numeral second was written in Roman style.

38. The only witness of this case, who, in my opinion, can be given credence is Shri Kuldeep Chand Bedi, as to my mind he is absolutely truthful and disinterested witness. He has no connection whatsoever with the respondent and is not having inimical relations with the petitioner. Therefore, his statement must be relied upon wherein he has stated that 150 votes out of total votes of 152 were taken as correct votes by him with the result that these votes were straightway put in the respective files of the candidates. Thus, from his statement it is established that 150 votes (ballot papers) had no defect whatsoever. There were only two votes which were of doubtful nature. Out of these two votes one was having a cross mark only and this vote was rejected by him after showing it to all the above mentioned persons present at the time of the counting, including the petitioner. Upon the other ballot paper two vertical lines were drawn and this writing was taken by Shri Kuldeep Chand Bedi as if second preference

in Roman numerals was given and the benefit of this second preference was given by him to Shri Raghbir Singh in accordance with the preference shown by the voter. Under the circumstances I am now required to adjudicate only upon the two following points:—

- (1) Whether the vote having two vertical lines drawn on it was taken to be a valid vote by the Returning Officer correctly or not? and
- (2) Whether the vote having a cross mark only could be taken as a valid vote in favour of the candidate against whose name the cross-mark was put?

39 The contention of the learned counsel of the petitioner has been that the Roman form of writing digit two in a correct manner is the one when the two vertical lines drawn carry on the top and at the bottom cross notches. The two vertical lines drawn without having the cross notches could not be held or taken as digit second having been written in Roman numerals. In support of his contention he referred me to the following books of the various learned authors:—

- (1) Webster's third New International Dictionary (unbridged) at page 1549.

"The Roman numerals are built up on seven basic:—

I, V, X, L, C, D & M according to the following rules:—

- (i) A symbol one of equal or greater value adds its value (II=2).
 - (ii) A symbol preceding one of greater value subtracts its value (IV=4; XL=40).
 - (iii) When a symbol stands between two of greater value, its value is subtracted from the second and the remainder is added to the first (XIV=14; LIX=59).
- (2) Funk & Wagnall's Standard Dictionary-International Edition, at page 868.

"*Roman numerals.*—The basic letters are I(1), V(5), X(10), L(50), C(100), D(500) and M(1000), and intermediate and higher numbers are formed according to the following rules: Any symbol following another of equal or greater value adds to its value as II=2, XI=11; Any symbol preceding one of greater value subtracts from its value, as: IV=4, IX=9, XC=90; when a symbol stands between two of greater value. It is subtracted from the second and the remainder added to the first, as XIV=14, LIX=59.

- (3) Webster's New Twentieth Century Dictionary unabridged 2nd Edition Vol. II at age 1572.

Roman numerals: The roman letters used as numerals until the tenth century A.D.:

In Roman numerals. I=1, V=5, X=10, L=50, C=100, D=500 and M=1000. Other numbers are formed from these by adding or subtracting; the value of a symbol following another of the same or greater value is added (e.g. III=3, XV=15); the value of a symbol preceding one of greater value is subtracted e.g. IX=9, and the value of symbol standing between two of greater value is subtracted from that of the second, the remainder being added to that of the first e.g. XIX=19. Roman numerals are commonly written in capitals, though they may be written in lower case letters. A bar over a letter indicates multiplication by one thousand (e.g. V=5000)

- (4) Webster's New International Dictionary Second Edition Volume 2 at page 1673.

Numerals: The roman numerals, I, V, X, L, etc.

- (5) Webster's Dictionary Edited by John Gage Allee, Phd. at page 321. Form of Roman figure I is indicated.

- (6) The Oxford English Dictionary Volume VIII at page 765

"The numeral letters that compose the Roman Character are in No. 7, viz. I, V, X, L, C, D, M. On the same page Roman figures II and III are properly shown.

- (7) The concise Oxford Dictionary Fifth Edition at page 1083.
 "Roman numerals, different in some respect from the ancient; the only symbols now used are I = 1, V = 5, X = 10, L = 50, C = 100, M = 1000, D = 500.
- (8) Encyclopedia Americana Volume 20 at page 542.
 "Roman numerals: The Roman numerals now in use which differ from many of their historic form are based on the following units, I, II, III, IIII, or IV, V, VI, VII, VIII, VIII, or IX.
- (9) The Book of knowledge Volume 5 at page 515:
 Roman numerals with Arabic equivalents shown as under I...1, II...2, III. 3 and so on.
- (10) Collers Encyclopedia Volume 16 at page 311.
 Chart showing the various forms of numerals shown and in that the proper roman figures are shown as I, II, III.
- (11) Number Theory by Oystein Ore page 8 to 10.
 In this book the proper form of Roman numerals are shown as I, II, III and IIII. It is noteworthy that the book also shows that comparative difference between the Roman form of numerals and the Egyptian form of numerals.
- (12) Colln's English Gem Dictionary at page 448.
 Roman figures, letters I, V, X, L, C, D & M. used to represent numbers in manner of Romans.
- (13) Collins Etymological and Reference Dictionary at page 292.
 Roman Figure I shown.
- (14) The Advanced Learners Dictionary of Current English Second Edition by A. S. Hornby, E. V. Gatenby H. Wakefield at page 857.
 Roman numerals (e.g. I, II, IV, X 1, 2, 4 and 10).
- (15) The Penguin Encyclopedia at page 514.
 Roman numerals: Letters represent certain numbers, I=1, V=5, X=10, L=50, C=100, D=500 M=1000).
- (16) Dictionary of Technical Terms by F. C. Crispin at page 285.
 Numerals: The Roman numerals are I, V, X, L, C, D and M.
- (17) Dizionar io Letter ARIIO Delle Opere EDEI Personagi Bompiani at page 36:
 Numeri (I=1, X=10).
- (18) Collins National Dictionary at page 419.
 Roman Figures shown I, and IV:
- (19) The Constitution of Republic of Italy (This book is printed in Rome).
 And the form of Roman figures are shown as I, II, III, and so on.
- (20) The constitution of India also indicates the form of the proper Roman numerals.
- (21) Encyclopedia Britanica Volume 16 Page 610 and 615.

At page 610 the various forms of numerals in their early form are indicated. Then on page 612 the early form of Roman numerals are shown. According to this upto 16th Century figure symbolism continued. Of the latter use of numerals, the roman figures are shown as I, II, III and so on. This is further confirmed on page 615. It is noteworthy that apart from the historical aspect, wheresoever Roman numerals are used in the encyclopedia they are used in the proper form, which is well known as I, II, III and so on.

In volume 19 of the same encyclopedia Britanica from page 319 to 519 Roman culture is dealt with. There also the well known Roman numerals are used as I, II, and III and so on.

(22) Book of knowledge volume 5 at page 515:

Numerals: From the earliest times men have counted on their fingers and the system of making straight marks as "tallies" as a record of numbers probably grew out of this practice. When the habit arose of "Scoring" tallies with cross strokes into groups of five each group obviously represented the fingers of one hand.

(23) Encyclopdia Italiana. Vol: X at pages 40, 41, 54, 290, 302 and 531, proper numerals are shown as I, II, II and so on

40. From the side of the respondent following books were produced to show that the digit second could be written by drawing two vertical lines as well and there was no necessity to put on the top and at the bottom cross notched:—

(1) Writing & Writing Patterns by Marion Richardson Book. 1.

In this Book the Roman numerals are written at page 10b.

Digits one, two and three are shown as I, II, III, which are without any cross notches.

(2) The New Age Encyclopaedia by Sir Edward Parrott. In this book at page 442 is written Roman numerals (still used) were I, II, III, IIII and V.

(3) Everyman's Encyclopaedia by E. F. Rozman.

At page 339 of this Book the Roman numerals one, two and three are shown as I, II and III.

(4) A short Dictionary of Mathematics by C. M. McDowell.

At page 40 of this book Roman numerals are shown as I, II, III, IV, V, VI, VII, VIII, IX, X.

(5) In Encyclopaedia Britannica Volume 16 published by Encyclopaedia Britannica Ltd

At page 612 of this book the learned author had made the following observations while showing that Roman numeral like one, two and three etc. can be written without cross notches on the top and at the bottom of the concerned digit:

"The direct influence of Rome for such a long period, the superiority of her numeral system over any other simple one that had been known in Europe before about the 10th century, and the compelling force of tradition explain the strong position that the system maintained for nearly 2,000 years in commerce, in scientific and theological literature and in belles letters. It had the great advantage that, for the mass of users, the memorizing of the values of only four letters was necessary—V, X, L, and C. Moreover, it was easier to see three in III than in 3, and to see nine in VIII than in 9, and correspondingly easier to add numbers—the simplest of all the operations."

(6) Manual of Election Law (Fifth Edition) published by Government of India, Ministry of Law.

In this book at certain places digit one and digit two in Roman numerals are written as I and II without cross notches on the top or at the bottom.

(7) World of Mathematics, Volume I, by James R. Newman.

At page 448 Roman numerals 1, 5 and 10 are written as I, V and X.

(8) Encyclopaedia Italiana by Istituto Della. Edizioni 1949 referred by the learned counsel to show that in this book also the digit 1, 2 and 3 are written in Roman numerals as I, II and III (without cross notches).

(9) The other book referred to by the learned counsel of the respondent was Volumes 1st, Second and Third of the C.P.C. by Chitaley.

In the above said three books also the digit 1, 2, and 3 are shown as I, II and III (without cross notches) on the outer covers of the three volumes.

41. Thus, from the two set of books, mentioned above, produced by the respective parties it becomes manifest that the digits 1, 2 and 3 in Roman form can

be written in two ways. One method is to write the above said three digits by putting cross notches on the top and at the bottom. The other way of writing these numerals is to draw horizontal lines of equal length of the digit concerned and in that case the cross notches on the top and at the bottom of the digits are not put. Thus, it is clear that the literarily and scholarly way of writing the above said three numerals is by putting the cross notches. The other form having no cross notches may not be a literarily or scholarly form of writing the digits but the fact remains that the digits 1, 2, 3 and still written without cross notches as I, II and III. *Sham Sunder Vs. Satya Ketu and others* (A.I.R. 1967 Supreme Court page 923) is the authority to show that preference by the voter could be indicated by writing Roman numerals also. In view of this ruling it was conceded by both the sides before me that it was legitimate for the voter to indicate his preference at the time of voting by writing Roman numerals. What I mean to say is that an indication given by the voter in Roman numerals did not make the vote invalid. It may nevertheless be a legitimate to think that the recognized or approved forms of numerals at all events must be used. The stress is not so much on the shape of figures as on the figure itself, which should be a recognized itself and should be so marked as not to be mistaken for any figure other than the figure meant to be written. The learned counsel of the petitioner had stated that if the digit 2 is written without cross notches then it is a primitive form and this form of writing is not in use. This part of his arguments is falsified from the above mentioned books produced by the respondent. In my opinion there are two forms or ways of writing the Roman digit second, and both the forms are prevalent and are freely used by the literate people in the line. Therefore, to write digit second in Roman form as II, without cross notches, is an approved way of writing. Hence the Returning Officer Shri Kuldip Chand Bedi was absolutely correct in declaring as a valid second preference vote for the respondent regarding the ballot paper on which digit II (Second) without cross notches was written or indicated by the concerned voter.

42. Now I take up the dispute with respect to the ballot paper containing the cross mark. In para 8 of the petition the petitioner stated that "after the ballot papers candidate-wise had been sorted out and arranged before him Mr. Bedi started examining the parcel of 8 ballot papers which he had kept apart separately. At first he took out a ballot paper and informed the petitioner as well as others present that he was going to reject this paper as it bore a cross mark. He did not give any other information although the petitioner wanted to see the full ballot paper with a view to find out as to what precise objection there was to the validity of the ballot paper but it was not so allowed. Mr. Bedi then announced that he was rejecting this ballot paper but without permitting the petitioner to see the ballot paper and raise his objections to this. The petitioner believes that this ballot paper was marked in his favour as a first preference. This improper rejection of the ballot paper by the Returning Officer has deprived the petitioner of a valid vote which has materially affected the result of the election." The respondent's reply to para 8 was that the ballot paper bore a cross mark and, therefore, the Returning Officer was justified in declaring this ballot paper as invalid.

43. Rule 37A of the Conduct of Election Rules 1961 is in the following terms:—

- "Method of voting.*—(1) Every elector has only one vote at an election irrespective of the number of seats to be filled.
- (2) An elector in giving his vote (a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he wishes to vote in the first instance, and
- (b) may, in addition, place on his ballot paper figure 2 or the figures 2 and 3 or the figures 2, 3 or 4 and so on in the space opposite the names of the other candidates in the order of his preference.

Rule 73(2) of the Conduct of Election Rules 1961 reads thus:—

- "A ballot paper shall be invalid on which—(a) the figure 1 is not marked; or
- (b) the figure 1 is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or
- (c) the figure 1 and some other figures are set opposite the name of the same candidate; or
- (d) there is any mark of writing by which the elector can be identified."

44. It is a common case of the parties that on this ballot paper only a cross mark was given and no other indication was put on it by the voter. Later on while giving evidence the petitioner made an effort that beyond the cross mark digit 1 was written by the voter and so this was his first preference vote. Mr. Kuldip Chand Bedi, the Returning Officer, had refuted this fact. He has very clearly stated that the ballot paper had only cross mark and no other sign, digit or figure was written on it. The provisions of Rule 73(2) in my view are mandatory and, therefore, no preference could be shown or given on the ballot paper by writing or putting a cross mark on it. Therefore, the ballot paper containing the cross mark was validly rejected.

45. In view of the above findings and discussion the election petition is dismissed with costs. The counsel fee is fixed at Rs. 200/-. Six copies, including four attested ones, of this order shall be prepared and despatched to the Election Commission, at once. A telegram be sent to the Election Commission intimating the result of this Election petition announced today.

Announced.

(Sd.) Illegible.
Member,
Election Tribunal,
(District Judge),
Patiala.

Dated, 4th January 1968.

ELECTION PETITION NO. 2 OF 1966
Sh. Ravindra Nath Vs Shri Raghbir Singh & others

Memo of costs

Petitioner	Respondent No. 1	Respondent No. 2	Respondent No. 3	Respondent No. 4	Respondent No. 5	Respondent No. 6	Respondent No. 7
Rs. P.	Rs. P.	Rs. P.	Rs. P.	R. P.	Rs. P.	Rs. P.	Rs. P.
Stamp for Power . 1.25	3.75	2.50	..	..	..	1.25	1.25
Stamp for process . 25.00	15.50	..	..	..	..	..	..
Misc. . 20.25	11.75	..	..	..	..	..	..
Subsistence allowance	130.00						
Certificate not given, hence not taxed. 200					Certificate not given, hence not taxed.		
Counsel fees							
46.50	359.0	2.50				1.25	1.25

Dated : 4th January 1968

Sd/- Illegible
Member, Election Tribunal,
(District Judge Patiala)

Copy of the Order of the Tribunal on the Petitioner's Prayer dated 23rd August 1967 for allowing him to bring the relevant ballot papers on Record as Exhibits.

BEFORE THE MEMBER, ELECTION TRIBUNAL, PATIALA

(District Judge of Patiala)

Petitioner.—Ravindra Nath, M.L.C. son of late Lala Ishwar Dass, Sector 16-C, Chandigarh.

Versus

Respondents.—Shri Raghbir Singh M.P., 81 South Avenue, New Delhi.

2. Shri Narinder Singh M.P., Rajya Sabha, Parliament House, New Delhi.

3. Shri Neki Ram M.P., 55, South Avenue, New Delhi.

4. Shri Salig Ram M.P., Dharamsala, District Kangra.

5. Shri Pratap Singh Daulta, Advocate, Sector 2, Chandigarh.

6. Shri Krishnamurthy, and

7. Shri Mange Ram.

Present for the Petitioner.—Shri Ravinder Nath in person with Shri Ishar Singh Mardan, Advocate.

Present for the Respondent.—Shri Raghbir Singh in person with Shri D. K. Puri, Advocate.

ORDER

This concerned the consideration of the prayer made by the petitioner in his petition dated 23rd August 1967 for allowing him to bring the relevant ballot papers on record by permitting him to get them marked as exhibits in the case. According to him this step is necessary in the circumstances of the case and also for the interest of justice to decide certain important issues specially raised in the case. The grounds on which his prayer in this behalf is based is set out in detail in this application.

2 The above prayer of the petitioner has been seriously resisted by the contesting respondent No. 1. who has put in an elaborate rejoinder dated 1st September 1967 in this regard. His main contention, *inter alia*, is that such a concession to the petitioner is not warranted by law or facts which is just his device to fish out evidence and to find out which voter has cast his vote in favour of which candidate which if permitted is bound to spoil the sanctity of secrecy of ballots which is the very foundation of such democratic election.

3. In this election which was to the Parliamentary (Rajya Sabha) from the Punjab Legislative Assembly Constituency there were following 8 candidates including the petitioner:—

1. Shri Krishnamurthy.

2. Shri Mange Ram.

3. Shri Narinder Singh.

4. Shri Neki Ram.

5. Shri Pratap Singh Daulta.

6. Shri Raghbir Singh (Respondent No. 1).

7. Shri Ravindera Nath (Petitioner).

8. Shri Salig Ram.

4. The counting of votes took place on 28th March 1966 in the Committee Room of Punjab Vidhan Sabha and Shri Kuldip Chand Bedi (R.W. I), Secretary Punjab Legislative Assembly, Chandigarh, acted as Presiding Officer. After the counting of the ballots four candidates, namely Narinder Singh, Neki Ram, Salig Ram and Raghbir Singh (respondent) were declared elected by the Presiding Officer.

5. Shri Ravinder Nath, on getting aggrieved from the aforesaid result, filed an election petition No. 2 of 1966 against respondents Nos. 1 to 7. The contest, however, remained between Shri Raghbir Singh respondent No. 1 and the petitioner because the relief claimed by Shri Ravinder Nath against Narinder Singh No. 2 was given up. The rest of the respondents were prolonged against *ex parte* since only Shri Raghbir Singh respondent remained in the field to contest the above said petition. The Election petition was presented under Ss. 80, 81, 100 and 101

of the Representation of People Act, 1951, read with rules for declaring the election of respondents Nos. 1 and 2 to be void and instead declaring the petitioner to, have been fully elected as a member of the Council of States (Rajya Sabha) at election by members of the Punjab Legislative Assembly (Vidhan Sabha) in the election held on 28th March 1966. The petitioner stated in his petition as under:—

"That therefore voting had taken place, the petitioner was naturally anxious to see that the counting and the examination of the ballot papers was done in a proper manner. Therefore, at the time when the counting was to take place the petitioner wanted to sit near the Returning Officer so that he could see the ballot papers in full view. Mr. Bedi, the Returning Officer, however, asked the petitioner as well as other candidates to sit around the table at a distance and in such way that the full view of the ballot papers was not available to the petitioner. Mr. Bedi thereafter had the ballot papers taken out from the ballot box and then arranged them candidatewise separately on his table. During this process of keeping the ballot papers candidatewise, Mr. Bedi also kept apart a parcel of 8 ballot papers separately. After the ballot papers candidatewise had been sorted out and arranged before him Mr. Bedi started examining the parcel of 8 ballot papers which he had kept apart separately. At first he took out a ballot paper and informed the petitioner as well as others present that he was going to reject this paper as it bore a cross mark. He did not give any other information although the petitioner wanted to see the full ballot paper with a view to find out as to what precise objection there was to the validity of the ballot paper but it was not so allowed. Mr. Bedi then announced that he was rejecting this ballot paper but without permitting the petitioner to see the ballot paper and raise his objection to this. The petitioner believes that this ballot paper was marked in his favour as first preference. This improper rejection of the ballot paper by the Returning Officer has deprived the petitioner of valid vote which has materially affected the result of the election.

That the petitioner then asked the Returning Officer to let him see other ballot papers from the parcel of 8 kept separately but Mr. Bedi refused. Mr. Bedi did not follow the legal procedure (for reasons best known to him) of picking up each ballot paper from the parcel of 8 which he had kept separately and discussing it with the petitioner or the other candidates. He straight way picked out three ballot papers (without showing it at all to the petitioner) from the packet of 8 and put them in the parcel containing the ballot papers of respondent No. 1. Though the petitioner objected to this method but no heed was paid to it. The result was that the three ballot papers from the eight which had been kept apart separately by Mr. Bedi for the obvious reason that they were invalid, were then purposely and improperly accepted in favour of respondent No. 1 and the petitioner was not given any opportunity to see the ballot papers and to point out the defects to the Returning Officer so that the said votes may not have been accepted for respondent No. 1. The three other votes Mr. Bedi placed in the parcel of other candidates excepting the petitioner.

That Mr. Bedi thereupon took out the last remaining ballot paper from the parcel of 8 on which there was written 11 and placed it on the parcel of ballot papers of respondent No. 1. The said mark was a mark by which the elector could be identified and had been got placed at the instance of respondent No. 1 in pursuance of a previous concert with the voter so that he could be identified and should, therefore, second preference for any candidate and therefore, could not have been given credit to any candidate on the ground that the second preference had become the first preference.

That the Returning Officer has already improperly accepted three ballot papers by putting them in the parcel of the ballot papers of respondent No. 1 which he had picked up from 8 ballot papers kept separately which were in fact invalid. Thus by this improper reception of three votes in favour of respondent No. 1, which were void, the result of the election of respondent No. 1 has been materially affected and respondent No. 1 was illegally declared to be elected."

6. According to the contention of the petitioner the Returning Officer counted the votes and the result of the first preference votes was as follows:—

Shri Raghbir Singh Panj hazari	25
Shri Narinder Singh	32
Shri Neki Ram	28
Shri Sallg Ram	37
Shri Partap Singh Daulta	5
Shri Krishnamurthy	1
Shri Mange Ram	..
Shri Ravindra Nath	23

The petitioner has alleged that he asked the Returning Officer to re-examine and re-count the ballot papers of respondent No. 1 since he had committed material illegality in counting the ballot papers in his case since certain invalid votes had been taken as valid votes in the case of respondent No. 1. The Returning Officer refused to hold the re-count of votes. The result was, the petitioner asserted, that three ballot papers, which had at first been kept apart as being liable to be rejected by the Returning Officer, were actually counted valid votes and were improperly placed in of the Returning Officer to re-examine and re-count the ballot papers, therefore be termed as violation of the Act 1951 and its Rules framed thereunder. The final count of the votes obtained by the petitioner and respondent No. 1 after transfer of surplus votes emerged, in accordance with the contention of the petitioner as under:—

(1) Shri Raghbir Singh—Respondent No. 1

Votes polled in first count	25
Points through benefit of second preference votes of candidates declared elected.	0'92
Benefit of two second preference votes of Shri Partap Singh Daulta.	2
TOTAL	27'92

(2) Shri Ravindra Nath—

Votes Polled in first count	23
Points added through benefit of second preference votes or candidates declared elected.	1
Benefit of second preference through Krishnamurthi.	1
Benefit of second preference votes through Shri Partap Singh Daulta.	2
TOTAL	27

The petitioner continued to say that thereafter the Returning Officer declared the result and announced the election of respondents 1 to 4 having been elected to the Council of States. The grudge of the petitioner is that the result of the election in so far as it concerns respondent No. 1 has been materially affected by the improper reception of three votes which are void and this has resulted in illegally increasing the votes of respondent No. 1 (Shri Raghbir Singh) as against the petitioner.

7. The following is the grudge of the petitioner as far as the counting of the ballot papers on the part of the Returning Officer is concerned.

That the result of the election in so far as it concerns respondent No. 1 has been materially affected by the improper reception of three votes which are void and this has resulted in illegally increasing the votes of respondent No. 1 as against the petitioner.

That it is clear that the Returning Officer when he kept apart 8 ballot papers did not deem them valid and it was not open to him under the Rules to nevertheless the petitioner and other candidates and allowing them an opportunity to have their say. As submitted, three of these ballot papers (apart from one marked II as second preference) were placed in the parcel of the ballot papers of respondent No. 1 but the said votes being void could not have been counted for respondent No. 1. Had these void votes not been received for respondent

No. 1, the voting of respondent No. 1, would have been reduced to 24:92 and the petitioner who had obtained 7 votes would have been declared elected.

That it is quite clear that one of the votes which has marked second preference as II was invalid vote and in spite of objection of the petitioner was received for respondent No. 1. Even if this vote which was improperly received for respondent No. 1 is excluded the petitioner has more valid votes than respondent No. 1 and he should, therefore, be declared elected.

That the attitude of the Returning Officer was highly prejudicial against the petitioner and partial to the respondent No. 1 presumably because he wanted to favour the respondent No. 1 and wanted him to be declared elected as against the petitioner under all circumstances. That the partiality and the interestedness of the Returning Officer towards respondent No. 1 was obvious from the fact that both of them spent considerable time together in the room of the Speaker and in the room of the Returning Officer and were closeted together for long hours by themselves daily for two to three days before the actual day of polling.

That the petitioner was denied any opportunity of seeing the ballot papers and placing his objections to the validity of the same and for their being received for respondent No. 1. The petitioner had specifically requested the Returning Officer to re-examine and recount the ballot papers of respondent No. 1 but the Returning Officer had arbitrarily and mala fide refused to do so. This non-compliance of the Returning Officer with the mandatory provisions of the Act and the Rules has resulted in the illegal and improper reception of votes in favour of respondent No. 1 and the margin of votes has been increased by such illegal acceptance. The inspection and the scrutiny and recounting of ballot papers of respondent No. 1 would clearly reveal that the invalid votes have been counted in his favour and it has, therefore, materially affected the result of election.

That the vote which has been rejected by the Returning Officer as invalid because it contained a cross mark has been improperly rejected and the said vote should have been counted for the petitioner and if thus counted it would have increased the votes of the petitioner to 28 and he would therefore have been entitled to declared elected as against respondent No. 1 whose final votes were only 27:92.

8. Besides the abovementioned objections the election of the respondent No. 1 Shri Raghbir Singh is sought to be set aside on account of various corrupt and malpractices as well, which it is alleged, were practised by the contesting respondent. This part of the election petition is beyond the purview of the petitioner's prayer dated 23rd August, 1967 for allowing him to bring the relevant ballot papers on record as exhibits, and therefore, the same need not be repeated here.

9. The application with a prayer for allowing the petitioner to bring the relevant ballot papers on record as exhibits, dated 23rd August, 1967, was present under S. 92 of the Representation of Peoples Act, 1951 and Rule 93 of the Conduct of Election Rules, 1961, read with section 151 C.P.C. The petitioner had moved an application for production and inspection of the ballot papers of respondent No. 1 on 26th November, 1966 which was disposed of by this Court on 28th January, 1967 holding that the application was premature since the petitioner had not closed his evidence and that the matter could be decided only after receiving the evidence of both the parties.

10. The petitioner in his petition dated 23rd August, 1967 stated thus :—

- (i) The Presiding Officer did not allow the petitioner the time of the counting to see the ballot paper when the same were being scrutinized. The Returning Officer had kept apart of the parcel of 8 ballot papers because the same were invalid and had to be rejected. However, later on the Returning Officer rejected only one ballot paper out of them on which there was a cross mark against the name of the petitioner. The petitioner believes that first preference was marked on this ballot paper in his favour. The ballot paper was rejected in an improper manner by the Returning Officer.
- (ii) The Returning Officer did not permit the petitioner to see other ballot papers which he had kept separately numbering 8. The Returning Officer picked up ballot papers out of the above said bundle of 8 ballot papers and placed in the parcel of the respondent No. 1 without showing the same to the petitioner, though a request in this behalf was made by the petitioner. As a matter of fact three ballot papers

which were kept apart by the Returning Officer were invalid votes and these three votes were improperly placed in the bundle of respondent No. 1 being correct votes. This fact increased the number of the votes of respondent No. 1 improperly.

- (iii) Out of the bundle of 8 ballot papers the Returning Officer picked up one ballot paper on which was written digit second (ii) as it is written second in Roman style. This mark of drawing two vertical lines did not signify second preference for any candidate and obviously, therefore, could not have been given credit to any candidate on the ground that it was marked as a second preference for him. The petitioner had objected that the ballot paper upon which two vertical lines were drawn was, strictly speaking, as invalid vote and therefore, could not be counted for any candidate since it deserved rejection. In spite of the objection raised by the petitioner this vote was counted in a valid manner for respondent No. 1 and has therefore materially affected the result of the election.

The allegations of the petitioner, therefore are quite clear and specific in their terms because the petitioner had clearly stated that the ballot paper containing cross (X) mark was improperly rejected and the ballot paper upon which two vertical lines were drawn was improperly received in favour of the respondent No. 1.

11. The petitioner further stated that in his written statement the respondent No. 1 had admitted his above mentioned assertion by stating in his written statement thus :—

“It was after the elimination of some candidates that it was noticed in one of the ballot papers the second preference had been expressed by the figure ‘II’ in Roman numerals against the name of answering respondent and in accordance with the rules the value of his ballot paper was transferred to the answering respondent.

The petitioner continued to say that the dispute about the validity of this ballot paper having been marked in the alleged Roman numerals could only be established or disproved by the inspection of the ballot paper. As this vote has been counted as a full value for the respondent No. 1 its elimination will obviously result in the election of respondent No. 1 being set aside as the petitioner's votes will then be more than the votes obtained by respondent No. 1. The figure ‘II’ the petitioner alleged could not be treated as a second preference written in Roman numerals. Further more the marking in Roman was not permissible according to law. The inspection of the ballots, therefore, is sought by the petitioner on the following grounds :—

That the petitioner was denied to have recount and re-examination of the ballot papers by the Returning Officer.

That one ballot paper where cross was marked against the name of the petitioner was unduly and illegally rejected by the Returning Officer. Shri Gurcharan Singh P.W. 4 has stated before this Hon'ble Tribunal that he also saw the figure I marked along with the cross. That the seating arrangement was such and the distance between the Returning Officer's seat and that of the petitioner was such that the petitioner could not have opportunity to have and proper inspection of the ballots at the time of counting.

That admittedly the ballot on which two vertical lines were marked against the name of respondent No. 1 was counted in favour of the respondent No. 1 and the benefit of that as full vote was given to respondent at the time of counting.

That out of the whole lot of ballots only two ballots were partially exhibited to the petitioner and the other persons present at that time, at the time of counting.

That immediately after the result was declared the petitioner announced his intention to file the Election petition and pray for a recount and scrutiny of the ballot papers.

12. The reply to the above said petition was filed by the contesting respondent on 1st September, 1967. He stated thus :—

That a similar application was moved on behalf of the petitioner on 26th November, 1966 and this Tribunal by a detailed order dated 28th January, 1967 held :—

That the application was evidently premature in as much as upto the stage the petitioner has not closed his evidence and the contesting respondent has not so far been afforded an opportunity to lead his evidence in rebuttal. This question shall be decided after the contesting parties have produced all their evidence and if necessary after the Returning Officer is examined on this matter in dispute. After hearing all this evidence if it is found that the petitioner is entitled to the grant of permission asked for to inspect the ballot papers the sealed boxes of those shall be opened and inspection of the same shall be given to the petitioner. At this stage it can be necessary if any case is made out to make the scrutiny over again and the recount of the votes cast in this election. This disposes of the last application made by the petitioner on 26th November, 1966.

That on facts and law the reply to this application is the same as the reply given by the contesting respondent to the application dated 16th November, 1966.

13. Shri Kuldip Chand Bedi (R.W. I) is very important witness in this case. He was the Returning Officer for election by members of the Punjab Legislative Assembly (Vidhan Sabha) to the Council of States (Rajya Sabha). He stated that the counting of votes took place on the 28th of March, 1966, and the polling had also taken place on the same day, while the counting started immediately after the poll had finished. The counting was done in the Committee Room of the Punjab Vidhan Sabha. According to him the following persons were seeking election :—

- (1) Shri Krishnamurthy
- (2) Shri Mange Ram
- (3) Shri Narinder Singh
- (4) Shri Neki Ram
- (5) Shri Partap Singh Daulta
- (6) Shri Raghbir Singh (Respondent)
- (7) Shri Ravinder Nath (Petitioner)
- (8) Shri Salig Ram.

The following persons, he stated were the Counting Agents.

- (1) Shri Mange Ram candidate for himself
- (2) Shri Raghbir Singh
- (3) Shri Ravindra Nath candidate for himself
- (4) Shri Salig Ram candidate for himself
- (5) Shri Narinder Singh candidate for himself
- (6) Shri Sultan Singh for Shri Neki Ram
- (7) Shri Darshan Singh for Shri Raghbir Singh
- (8) Shri Jai Inder Singh for Shri Salig Ram.

The counting Agents, the witness continued to say were appointed under duly filled forms and the originals were with the witness when he entered in the witness box. He further stated that at the time of the counting no one else was allowed to be present except the candidate and the counting agents duly appointed. The ballot papers had already been put by the voters in the sealed box lying in that room. He showed the sealed padlok on the ballot box and then opened it in the presence of the above said persons. He took out ballot papers out of the ballot papers box and placed the same on the table. The empty box was shown to all the persons present there. The total votes polled was 152 and the ballot box contained 152 ballot papers. The ballot papers were then placed in order after sorting them. The ballot papers were placed in the file of each candidate according to the marking. The witness further deposed that he had scrutinized and seen each of the ballot papers before the same were placed in the files of the respective candidates. It means all those ballot papers, which were found in order and correct, were placed by the Returning Officer in the file

of the each concerned candidate. The witness further stated that he however, retained two or three ballot papers, with him. He retained the three ballot papers with him as he doubted their validity.

14. Shri Kuldip Chand Bedi further deposed that he then took one ballot paper out of the above said three ballot papers under the table near to his lap and folded it in the manner that only cross (X) mark could be visible and the remaining portion of the document concerned remained concealed, since the remaining portion of the ballot paper had come under the folds of the ballot paper. In that condition the ballot paper was shown to all the candidates and their counting agents present there. This was done in the manner that the aforesaid person could see only the cross mark out of the ballot paper and nothing else. The witness further stated that he then declared that particular ballot paper as invalid.

15. In the same manner he took out second ballot paper out of three ballot papers retained by him. In one column of that ballot paper two preferences had been indicated by the person who had exercised the right of vote with the help of that ballot paper. In one column figure '1' was written as it indicated one while writing English numeral. In other column two vertical lines were drawn as if two figures of English numeral '1' are written side by side. In the similar manner he folded the second ballot paper also that only two vertical drawn lines in the column concerned were visible and the remaining portion of the ballot paper was not visible. The second ballot paper, as folded in the above said manner, was shown to the candidates and their counting agents. The witness further deposed that he declared that the two vertical lines drawn in the aforesaid manner in the particular column indicated that it was a second preference, which was exercised by the voter. The witness continued to say that he thought while declaring so that the candidate had written digit second while drawing the two vertical lines in the particular column in Roman numerals. No one present out of the above said persons, the witness stated objected to his decision. The third ballot paper was valid and it was placed in the file of the respective candidate. The witness very clearly stated that he declared 151 ballot papers to be valid and he declared only one ballot paper as invalid. Thus, from the statement of this witness it is clear that the second vote was given due value to the person for whom first preference was indicated and the value of this vote was also given to the person as second vote in whose column two vertical lines were drawn, regarding which the Presiding Officer held that this writing indicated as if numeral second was written in Roman style.

16. Shri Raghubir Singh respondent No. 1 appeared as R.W. 3 and he has supported the assertion of Shri Kuldip Chand Bedi on oath *in toto*

17. R.W. 2 is Shri Sultan Singh. He stated that he was counting agent of Shri Neki Ram. There were 8 candidates who were seeking election and out of those 8 candidates were present 6 or 7. He stated that Shri Gurcharan Singh A.W. was not present at the time of the counting. He further stated that no one objected at the time of the counting regarding the rejection of the ballot paper on the part of the Returning Officer. No one asked the Returning Officer for re-counting. Both Shri Kuldip Chand Bedi and Shri Raghubir Singh respondent have also stated that never any objection was raised regarding the rejection of any of the ballot paper and no one asked for recounting of the votes.

18. Shri Mange Ram P.W. was one of the candidates. He stated that he was present when the counting was made. He continued to say that the ballot papers were taken out of the ballot box and were placed in the files of the respective candidates. The sorting of the ballot papers was conducted at the table in the presence of all those, who were sitting there in that room then. After sorting was over six or seven ballot papers were retained by the Presiding Officer being defective votes. One ballot paper was folded by the Returning Officer in the manner that its cross (X) mark was visible and the rest of the ballot paper could not be seen. In this position the ballot paper was shown to all the persons present there. Thereafter this ballot paper was rejected by the Returning Officer being invalid. The witness further stated that the petitioner requested the Returning Officer to unfold the ballot paper and to show it in its entirety. The prayer of the petitioner was rejected by the Returning Officer. Afterwards two or three ballot papers were taken as correct and were placed in the file of Shri Raghubir Singh. In the similar manner two or three ballot papers were taken as correct and were placed in the file of Shri Salig Ram. He continued to say that thereafter only one ballot paper remained with the Returning Officer which was considered by him earlier as a defective ballot paper. This ballot paper he stated, indicated two vertical lines. This ballot paper was also folded by the

Returning Officer in the manner that two vertical lines written on it were visible and in this position the ballot paper was shown to all those present there. The Returning Officer then declared that through this ballot paper the voter had indicated his second preference and its benefit was given to Shri Raghbir Singh. The petitioner, he stated, objected against this part of the decision of the Returning Officer and no other person raised any objection. He further stated that no other ballot paper was shown to the candidates or to their counting agents except the ballot papers regarding which he had made reference above. The witness further deposed that the petitioner had asked for the recount of the votes and the Returning Officer did not accept his request.

19. Shri Ravindra Nath petitioner appeared as P.W. 2 and he has supported his assertion on oath. Shri Geja Singh Deputy Superintendent Punjab Vidhan Sabha, is a witness of formal nature. Shri Gurcharan Singh P.W. 4, an Ex-Chief Parliamentary Secretary in the United Front Government, has also supported the version of Shri Ravindra Nath in its entirety. This is the entire evidence which Shri Ravinder Nath and the respondent have produced in his case in proof of their respective stands.

20. To my mind Shri Ravindra Nath is an interested person and, therefore, his testimony is not of any value. Shri Mange Ram is a defeated candidate and, therefore, he has certain amounts of prejudices against the candidates, who were declared elected including the respondent, Shri Gurcharan Singh could be a useful witness, but his presence in the room in question at the time of the counting is not proved. Shri Kuldip Chand Bedi is a Government employee and, therefore appears to be disinterested and impartial witness. He has stated that no outsider was allowed to be present at the time of the counting of votes. In the room were present either the candidates or their counting agents duly appointed in this behalf. A counting agent was appointed through a duly filled form. Neither Gurcharan Singh nor any candidate filled any such form for his (Gurcharan Singh's) appointment as a counting agent. Thus, Gurcharan Singh was neither a candidate nor a counting agent and therefore, under no circumstances he could get admission in the room where counting of the votes was made under the Presidentship of Shri Kuldip Chand Bedi. Shri Kuldip Chand Bedi has clearly stated that Shri Gurcharan Singh was not present at the time of the counting of the votes.

21. The Rule 53 (1) of the Conduct of Election Rules, 1961 runs as under :—

The Returning Officer shall exclude from the place fixed for counting of votes all persons except—

- (a) such persons as he may appoint to assist him in the counting;
- (b) persons authorised by the Election Commission;
- (c) public servants on duty in connection with the election; and
- (d) Candidates, their election agents and counting agents."

Thus, it is clear that this rule debarred the entry of Shri Gurcharan Singh into the room in question when the counting of votes had taken place. There was no accomplishment or urgency for Shri Kuldip Chand Bedi to violate or over-ride the above said provision of law and to expose himself to unwarranted risk unnecessarily. Hence I am convinced that Shri Gurcharan Singh was not present at the time of the counting of votes and on account of this fact I am not prepared to rely upon his statement.

22. Shri Raghbir Singh respondent is also interested in his own case and, therefore, his statement is also not of much importance. The only witness, who can be given credence is Shri Kuldip Chand Bedi, as to my mind, he is absolutely a truthful and disinterested witness. He has no connection whatever with the respondent and is not having any inimical relations with the petitioner. Therefore, his statement must be relied upon wherein he has stated that 150 votes were those votes were taken correct votes by him with the result that the votes were straightway put in the respective files of the candidates. Thus from his statement it is established that 150 votes (ballot papers) had no defect whatsoever. There were only two or three votes which were of doubtful nature. Out of these three votes one was also found correct or valid by him. One vote was having a cross mark and this vote was rejected by him after showing it to all the above said persons. Upon other ballot paper two vertical lines were drawn and this writing was taken by Shri Kuldip Chand Bedi as if second preference was indicated therein, and benefit of this second preference was given by him to Shri Raghbir Singh, in accordance with the preference shown by the voter. Hence I, rely upon the statement of Shri Kuldip Chand Bedi *in toto*.

23. The law on the subject is enunciated as under:—

In Election Petition 8 of 1967 Rameshwar Nand Vs. Shri Madho Ram and others it has been held that definite particulars about the number and nature of the void votes that had been counted could only be supplied after inspection of the ballot papers and that the election petition, as originally presented, must contain the material particulars and the amended petition should be treated merely as an application for clarification of pleadings. It is further observed that an order for inspection may not be granted as a matter of course having regard to the insistence upon the secrecy upon the ballot papers, but the order of inspection of ballot papers could be called justified if the following two conditions are fulfilled. (Bhim Sen Vs. Gopali and others (22 E.L.R. 288)]:—

- (i) That the petition for setting aside an election contains an adequate statement of the material facts on which the petitioner relies in support of his case, and
- (ii) The Tribunal is *prima facie* satisfied that in order to decide the dispute and to do complete justice between the parties inspection of the ballot papers is necessary.

However, it was made plain that inspection could not be granted to support vague pleas made in the petition not supported by material facts or to fish out evidence with a view to give support to such pleas. In Dr. Jagjit Singh Vs. Giani Kartar Singh and others (A.I.R.) 1966 Supreme Court 773) it was laid down that in the matter of inspection of ballot papers the importance of secrecy can be ignored. Stress has been laid on the fact that the rules framed under the statute have been so constituted as to provide adequate safeguards for the examination of the validity or invalidity of votes and for their proper counting. In some cases to meet the ends of justice it might become necessary to allow a party to inspect the ballot papers with a view to consider the objections about improper acceptance or improper rejection of votes tendered by voters at any given election, but while giving this permission care must be taken to see that the petitioners do not get a chance to make a roving or fishing enquiry in the ballot box so as to justify their claim that the election of the candidate was void.

24. In A.I.R. 1964 Supreme Court 1249 (Ram Sewak Yadav Vs. Hussain Kamil Kidwai and others) their lordships held as under:—

“An Election Tribunal has undoubtedly the power to direct discovery and inspection of documents within the narrow limits of 0.11 Code of Civil Procedure. Inspection of documents under 0.11 Code of Civil Procedure may be in the pleadings or particulars as discovered in the affidavit of other party, and under rule 18(2) of other documents in the possession or power of the other party. The returning officer is not a party to an election petition and an order for production of the ballot papers cannot be made under 0.11 Code of Civil Procedure. But the Election Tribunal is not on that account without authority in respect of the ballot papers. In a proper case where the interests of justice demand it, the Tribunal may call upon the Returning Officer to produce the ballot papers and may permit inspection by the parties before it of the ballot papers; that power is clearly implicit in S.C. 100(4)(d) 9(ii), 101, 102 and rule 93, Conduct of Election Rules 1961. This power to order inspection of the ballot papers which is apart from 0.11 Code of Civil Procedure may be exercised, subject to the statutory restrictions about the secrecy of the ballot paper prescribed by Ss 94 and 128(i).

By the mere production of the sealed boxes of ballot papers before the Election Tribunal pursuant to its order the ballot papers do not become part of the record and they are not liable to be inspected unless the Tribunal is satisfied that such inspection is in the circumstances of the case necessary in the interests of justice.

An order for inspection may not be granted as a matter of course having regard to the insistence upon the secrecy of the ballot papers, the court would be justified in granting an order for inspection provided two conditions are fulfilled:—

- (i) That the petition for setting aside an election contains an adequate statement of the material facts on which the petitioner relies in support of his case; and

- (ii) The Tribunal is *prima facie* satisfied that in order to decide the dispute and to do complete justice between the parties inspection of the ballot papers is necessary.

But an order for inspection of ballot papers cannot be granted to support vague pleas made in the petition not supported by material facts or to fish out evidence to support such pleas. The case of the petitioner must be set out with precision supported by averments of material facts. To establish a case so pleaded an order for inspection may undoubtedly, in the interests of justice require, be granted. But a mere allegation that the petitioner suspects or believes that there has been an improper reception, refusal or rejection of votes will not be sufficient to support an order for inspection.

Their Lordship further observed:—

"The rules for the conduct of elections clearly show that at every stage in the process of scrutiny and counting of votes the candidate or his agents have an opportunity of remaining present at the counting of votes, watching the proceedings of the Returning Officer, inspecting any rejected votes, and to demand a recount. It is in the light of the provisions of S. 83(1) which require a concise statement of material facts on which the petitioner relies and to the opportunity which a defeated candidate had at the time of counting, of watching and of claiming a recount that the application for inspection must be considered.

Held that the High Court was in error in interfering with the order of refusal to grant inspection in exercise of discretion by the Election Tribunal which proceeded on sound principles. The averments in the election petition for setting aside the election on the ground of improper acceptance or rejection of votes were vague and did not comply with the statutory requirements of S. 83(1)(a). The allegation of the election petitioner that he was satisfied that on inspection and scrutiny had been wrong counting on account of improper reception refusal or rejection of votes was wholly insufficient to justify a claim for inspection. He had to place before the Tribunal evidence *prima facie* indicating that an order for inspection was necessary in the interests of justice which he failed to do."

25. In order to see whether Shri Kuldip Chand Bedi acting as presiding Officer at the time of the counting of the ballot papers had acted within the procedure laid down or not. Rule 56 of the Conduct of Election Rules 1961 is in the following terms:—

- "(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.
- (2) The Returning Officer shall reject a ballot paper—
 - (a) if it bears any mark or writing by which the elector can be identified, or
 - (b) if, to indicate the vote it bears no mark at all or bears a mark made otherwise than with the instrument supplied for the purpose, or
 - (c) if votes are given on it in favour of more than one candidate, or
 - (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or
 - (e) if it is a spurious ballot paper, or
 - (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
 - (g) if it bears a serial number or is of a design, different from the serial numbers, or as the case may be, design of the ballot papers authorised for use at the particular polling station, or
 - (h) if it does not bear the mark which it should have borne under the provisions of sub-rule (1) of Rule 38:

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The Returning Officer shall endorse on every ballot paper which he rejects the letter 'B' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(5) All ballot papers rejected under this rule shall be bundled together.

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote.

Provided that no cover containing tendered ballot paper shall be opened and no such paper shall be counted.

(7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form 20 and announce the particulars.

26. Shri Kuldip Chand Bedi has stated that he had seen each of the ballot papers before the same were distributed to the files of the respective candidates. The ballot papers were sorted out in his presence and every ballot paper was physically checked by him in accordance with the sub-rule (1) of Rule 56 of the Conduct of Election Rules 1961.

After scrutiny he give the verdict that 150 ballot papers had no defect whatsoever and I find no reason to disbelieve thus part of his statement. According to Mr. Kuldip Chand Bedi only two ballot papers were of some dispute. On one ballot paper two vertical lines were drawn as if digit second was written as Roman numeral. He counted it as second preference for the respondent since the two vertical lines were drawn against his (Raghubir Singh's) name. The second ballot paper had a cross (X) mark and he rejected it being invalid ballot paper. What I mean to emphasis is that Shri Kuldip Chand Bedi has very clearly stated that 150 ballot papers in all respects were valid and free from any defect. He had retained two ballot papers with him at the time of scrutiny taking the same to be defective ballot papers. On further scrutiny he found one ballot paper valid under the aforesaid circumstances and the other ballot paper was held by him to be valid.

27. Sub-rule (3) of Rule 56 of the Conduct of Election rules 1961 says before rejecting any ballot papers under sub-rule (2), the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper". Sub-rule (5) lays down that all ballot papers taken out of any one ballot box and rejected under this rule shall be made into a separate bundle. Thus, Shri Kuldip Chand Bedi acted strictly in accordance with the above said Rule when one ballot paper was accepted by him as valid and the other was rejected by him as invalid by showing both the ballot papers in folded forms as stated earlier by me. The manner or the arrangement of valid ballot papers in parcels is indicated in rule 74 of the Conduct of Election Rules 1961 which is in the following terms :—

"Arrangement of valid ballot papers in parcels—

After rejecting the ballot papers which are invalid, the Returning Officer shall—

- (a) arrange the remaining ballot papers in parcels according to the first preference recorded for each candidate;
- (b) count and record the number of papers in each parcel and the total number; and
- (c) credit it each candidate the value of the papers in his parcel.

Shri Kuldip Chand Bedi after rejecting one ballot paper acted strictly in accordance with the above said Rule in arranging the remaining ballot papers in parcels according to the 1st preference recorded for each candidate.

28. The Returning Officer is only to see the validity of ballot papers as papers and any question of the legality of the vote given will be beyond his authority. In other words, all that he is to see whether the ballot paper is in order and not whether the elector whose ballot paper it was had the right to vote. That will be a point for the Election Tribunal to consider. Secondly, where any question arises as to whether any particular mark has been put or not as intended to be a vote for a particular candidate, the Returning Officer is to decide the question on

the basis of what he finds on the ballot paper. He cannot enter into any conjectures about the real intention of the voter. Lastly, in determining—whether a ballot paper be rejected or not when it does not strictly comply with the requirements, the Returning Officer should apply his mind to the question whether the defect in the paper amounts to violation of a mandatory provision, of the Act, and rules thereunder or only a directory provision. The provisions of the Act when they are absolute must be obeyed in full and exactly while in the case of directory provisions strict compliance need not be insisted upto and if the object underlying the provision is attained even without exact and full compliance, it will be regarded as substantial compliance and the defect can be overlooked. It is a mandatory requirement of Law that if a ballot paper bears any unauthorised mark by which the elector can be identified the paper should be rejected. The Returning Officer's judgment will be needed on the point as to whether the particular mark that may be in question is or is not a mark which the elector can be identified. But the Returning Officer is required to keep a note that the word used is 'can' and not 'may' and he should be satisfied that the writing or mark is definitely capable of identifying the elector and more possibility of doing so will not suffice. This has been proved from the testimony of Shri Kuldip Chand Bedi that the rejected vote had a cross mark regarding which it is said by the petitioner that it was his first preference vote. The nature or type of the cross has also been described by Shri Kuldip Chand Bedi by stating that it was like English letter 'X'. The question whether from such a marking identity of the voter could be asserted or not is the matter which is beyond the purview of the petition which is intended to be decided through this order. However, one thing is clear that the ballot paper was rejected because it had a cross mark equivalent to the English letter 'A'.

29. From the statement of Shri Kuldip Chand Bedi it is established that the other ballot paper which was subjected to close scrutiny had written on it two vertical lines as if digit second was written in Roman numerals. This was taken as a valid vote and its value of second preference was awarded in favour of the respondent by the Returning Officer. The contention of the petitioner is that this ballot paper should have been rejected declaring it to be as invalid vote. In *Shyam Sunder Vs. Satya Ketu* and other (A.I.R. 1967 Supreme Court page 923) it was held that to indicate first preference there was no necessity to mark first preference in Arabic numerals. It was held therefore, if there is figure 1 first preference would be shown irrespective of whether the figures was put down in the form of Arabic numerals or in any other form. So long it is clear that figure 1 is marked on the ballot paper, the ballot paper would be valid and it is only when figure 7 is not marked at all in any form whatsoever that it can be said that the ballot paper is valid. From the statement of Shri Kuldip Chand Bedi it has been proved that this ballot paper had no other defect except that the second preference was indicated by drawing two vertical lines as if digit second was written in Roman numerals then indicating it by writing Arabic numerals of the same value or strength.

30. As I have already stated in this case there is only the statement of Shri Kuldip Chand Bedi which must ultimately decide the matter in issue. He was not required to show all the ballot papers to the candidate or to their counting agents. He scrutinised and sorted out the ballot papers after taking them out from the ballot box on the table and in the presence of the candidates and their counting agents. After sorting out the ballot papers and taking out each ballot papers he found that 150 ballot papers were valid. The valid 150 ballot papers were distributed by him in the files of the respective candidates in accordance with the order of preference of the votes indicated therein. He kept two ballot papers with him since he was not sure regarding their validity. These two ballot papers were subjected to further scrutiny. One ballot paper was rejected by him being invalid since it had a cross mark. From cross mark Mr. Bedi possibly understood that this could lead to the identification of the voter who had cast that vote. On the other ballot paper two vertical lines were drawn as if digit second in Roman numerals was written. This ballot paper was declared valid by Mr. Bedi and it was counted as second preference for the respondent since the two vertical lines were drawn against his name. An application made for the inspection of ballot box must give material facts which would enable the Tribunal to consider whether in the interest of justice the ballot box should be inspected or not. In dealing with this question the importance of the secrecy of the ballot papers cannot be ignored and it is always to be borne in mind that the statutory rules framed under the Act are intended to provide adequate safeguards for the examinations of the valid or invalid votes and for the proper counting. It may be that in some cases the ends of justice would make it necessary of the Tribunal to allow a party to inspect the ballot papers and consider

his objection about the improper acceptance or improper rejection of votes tendered by voters at any given election, but in considering the requirements of justice care must be taken to see that election petitioners do not get a chance to make a roving or fishing enquiry in the ballot box so as to justify their claim that the returned candidates election is void. In A.I.R. 1966 Supreme Court 773 it was observed by their Lordships that no hard and fast rule can be laid down in this matter. For attempt to lay down such a rule would be inexpedient and unreasonable. This has been very clearly stated by Shri Kuldip Chand Bedi, Presiding Officer that 150 ballot papers were practically in order and, therefore, opening of these ballot papers would give a chance to the petitioner to make a roving or fishing enquiry in the ballot box so as to justify his claim that the returned candidate's election was void. As far as the remaining two ballot papers are concerned, in my opinion, no useful purpose will be served by ordering the inspection of the same it has come to light in specific manner as to what is actually written on them. One ballot paper carries the cross (X) mark and on the other two vertical lines are drawn as if digit second in Roman numerals is written. The validity of these two ballot papers can be judged at the proper stage of the case even without permitting the inspection of these two ballot papers.

21. Therefore, in view of the above finding and discussion I come to the conclusion that the petition submitted with a view to get permission for the inspection of ballot box or ballot papers has no force and it is hereby rejected.

Announced.

(Sd.) UDHAM SINGH,
Member,
Election Tribunal,
(District Judge),
Patiala

Dated the 29th November, 1967.

[No. 82/2/66.]

S.O.819.—In exercise of the powers conferred by section 21 and sub-section (1) of section 22 of the Representation of the People Act, 1951, (43 of 1951) and in supersession of its notification No. 434/GJ/66 dated the 11th November, 1966, the Election Commission hereby appoints, in respect of each of the parliamentary constituencies in the State of Gujarat and specified in column 1 of the Table below :—

- (a) the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer; and
- (b) the officers specified in the corresponding entries in column 3 of the said Table to be the Assistant Returning Officers

TABLE

Sl. No. and name of the Constituency	Returning Officer	Assistant Returning Officers
1	2	3
1. Kutch	Collector of Kutch, Bhuj.	1. Prant Officer, Nakhtrana Sub-division, Nakhtrana. 2. President Deputy Collector, Bhuj. 3. Prant Officer, Anjar Sub-division, Anjar.
2. Surendranagar	Collector of Surendranagar, Surendranagar.	1. Prant Officer, Dhrangadhra Sub-division, Dhrangadhra. 2. Resident Deputy Collector, Surendranagar.

1	2	3
3 Rajkot	Collector of Rajkot, Rajkot	3. Prant Officer, Limbdi Sub-division, Limbdi. 4. Prant Officer, Morvi Sub-division, Morvi. 1. Prant Officer, Morvi Sub-division, Morvi. 2. Resident Deputy Collector, Rajkot. 3. Prant Officer, Gondal Sub-division, Gondal.
4 Jamnagar	Collector of Jamnagar, Jamnagar.	1. Prant Officer, Khambhalia Sub-division, Khambhalia. 2. Prant Officer, Jamnagar Sub-division, Jamnagar.
5 Junagadh	Collector of Junagadh, Junagadh.	1. Prant Officer, Porbandar Sub-division, Porbandar. 2. Prant Officer, Veraval Sub-division, Veraval. 3. Resident Deputy Collector, Junagadh.
6 Amreli	Collector of Amreli, Amreli	1. Prant Officer, Veraval Sub-division, Veraval. 2. Prant Officer, Amreli Sub-division, Amreli. 3. Resident Deputy Collector, Amreli.
7 Bhavnagar	Collector of Bhavnagar, Bhavnagar.	1. Resident Deputy Collector, Amreli. 2. Prant Officer, Mahuva Sub-division, Mahuva. 3. Prant Officer, Palitana Sub-division, Palitana. 4. Resident Deputy Collector, Bhavnagar.
8 Dhandhuka]	Collector of Ahmedabad, Ahmedabad.	1. Prant Officer, Palitana Sub-division, Palitana. 2. Prant Officer, Dholka Sub-division, Dholka. 3. City Deputy Collector, Ahmedabad.
9 Ahmedabad	Collector of Ahmedabad, Ahmedabad.	1. City Deputy Collector, Ahmedabad. 2. Resident Deputy Collector and Prant Officer, Ahmedabad Sub-division, Ahmedabad.
10 Gandhinagar	Collector of Ahmedabad, Ahmedabad.	1. Prant Officer, Dholka, Sub-division, Dholka. 2. Resident Deputy Collector and Prant Officer, Ahmedabad Sub-division, Ahmedabad. 3. City Deputy Collector, Ahmedabad.

1	2	3
11 Mehsana	. Collector of Mehsana, Mehsana.	1. Prant Officer, Mehsana Sub-division, Mehsana.
12 Patan	. Collector of Mehsana, Mehsana.	1. Prant Officer, Patan, Sub-division, Patan. 2. Prant Officer, Palanpur Sub-division, Palanpur.
13 Banaskantha	. Collector of Banaskantha, Palanpur.	1. Prant Officer, Radhanpur Sub-division, Radhanpur. 2. Prant Officer, Tharad Sub-division, Tharad. 3. Prant Officer, Palanpur, Sub-division, Palanpur.
14 Sabarkantha	. Collector of Sabarkantha, Himatnagar.	1. Prant Officer, Himatnagar Sub-division, Himatnagar. 2. Prant Officer, Modasa Sub-division, Modasa. 3. Resident Deputy Collector, Himatnagar.
15 Dohad	. Collector of Panchmahals, Godhra.	1. Prant Officer, Dohad Sub-division, Dohad. 2. Prant Officer, Dabhoi Sub-division, Dabhoi.
16 Godhra	. Collector of Panchmahals, Godhra.	1. Prant Officer, Modasa Sub-division, Modasa. 2. Prant Officer, Godhra, Sub-division, Godhra.
17 Kaira	. Collector of Kaira, Kaira.	1. Prant Officer, Nadiad Sub-division, Nadiad. 2. Resident Deputy Collector Kaira.
18 Anand	. Collector of Kaira, Kaira.	1. Prant Officer, Petlad Sub-division, Petlad. 2. Resident Deputy Collector, Kaira.
19 Baroda	. Collector of Baroda, Baroda	1. Prant Officer, Petlad Sub-division, Petlad. 2. Prant Officer, Baroda Sub-division, Baroda.
20 Dabhoi	. Collector of Baroda, Baroda.	1. Prant Officer, Dabhoi Sub-division, Dabhoi. 2. Prant Officer, Baroda Sub-division, Baroda.
21 Broach	. Collector of Broach, Broach.	1. Prant Officer, Broach Sub-division, Broach. 2. Prant Officer, Rajpipla Sub-division, Rajpipla.
22 Surat	. Collector of Surat, Surat.	1. Prant Officer, Olpad Sub-division, Surat. 2. Prant Officer, Navsari Sub-division, Navsari.

1	2	3
23 Mandvi	Collector of Sruat, Surat	1. Prant Officer, Vyara Sub-division, Vyara. 2. Prant Officer, Olpad Sub-division, Surat.
24 Balsar	Collector of Balsar, Balsar	1. Prant Officer, Navsari Sub-division, Navsari. 2. Prant Officer, Balsar Sub-division, Balsar.

[No. 434/GJ/68.]

New Delhi, the 28th February 1968

S.O. 820.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 10th January, 1968 by the Court of the Judicial Commissioner for Manipur at Imphal in Election Petition No. 2 of 1967.

IN THE COURT OF THE JUDICIAL COMMISSIONER FOR MANIPUR,
AT IMPHAL

PRESENT:

The Hon'ble Shri C. Jagannadhacharyulu, B.A., B.L., J.C.

Dated the 10th January, 1968

CIVIL JURISDICTION

ELECTION PETITION CASE No. 2 OF 1967

BETWEEN

Rishang, aged 45 years, s/o Rungdi Keishing, Ex-M.P. of Bongpa Khunou,
P.S. & P.O. Chasat.—Petitioner.

Versus

1. Paokai Haokip, aged 27 years, of Saitu, P.O. Motbung at present at New Lambulane, Imphal.
2. Abung Longmei, aged 39 years of Minuthong, P.S. & P.O. Imphal.
3. Gouzagin aged 37 years of Hansip, Churachandpur P.S. & P.O. Churachandpur.
4. Meijeinlung, aged 27 years of Major Khul, P.S. & P.O. Imphal.
5. Rev. Sena, aged 50 years of Churachandpur, P.S. & P.O. Churchandpur.—
Respondents.

In the matter of application filed by Shri Rishang, Ex-M.P. under sections 80, 80A and 81 of the Representation of People Act, 1951 (Act XLIII of 1951, hereinafter called as the Act of 1951) to set aside the election of the first respondent Shri Paokai Haokip to the House of People from the Outer Manipur Parliamentary Constituency held in February, 1967.

This case coming on for final hearing on the 6th day of January, 1967 in the presence of Shri R. K. Manisana Singh, Advocate for the petitioner and Shri A. Ibopishak Singh, Advocate for the respondent No. 1 and the respondent No. 2 to 5 not appearing and having stood over for consideration till to-day, the Court delivered the following:—

JUDGMENT

1. This is a petition filed by one Shri Rishang, Ex-M.P. under sections 80, 80A & 81 of the Representation of People Act, (Act XLIII of 1951, hereinafter called as the Act of 1951) to set aside the election of the first respondent Shri

Paokai Haokip to the House of People from the Outer-Manipur Parliamentary Constituency held in February, 1967.

2. The material allegations in the petition are briefly as follows:—

- (a) The Outer-Manipur Parliamentary Constituency comprises of 14 Assembly Constituencies, namely, Tengnoupal Phungar Phaisat, Ukhrul, Mao East, Mao West, Tamei, Tamenglong, Jiribam, Thanlon, Churachandpur, Thoubal, Khangabok, Kakching and Hiyanglam Sugnoo. The petitioner and the respondents 1 to 5 were the contesting candidates in the last general election to the House of the People from the said Outer-Manipur Parliamentary Constituency. The Election Commission of India notified under section 56 of the Act of 1951, that the hours of the poll would be from 7-30 A.M. to 4-30 P.M. and that the dates of the poll were 15th, 20th, 24th and 28th of February, 1967. Accordingly, the Returning Officer of the Outer-Manipur Parliamentary Constituency published the programme of the polls in the Gazette of Manipur dated 1st February 1967. The polls were taken according to the programme, though there were some changes in the programme for certain polling stations due to disturbance and obstruction by armed Naga hostiles. The first respondent secured 30,403 votes as against 28,862 votes polled by the petitioner. The Returning Officer declared on 10th March 1967 that the first respondent was elected.
- (b) But, the election of the first respondent is void, in as much as the result of his election had been materially affected by the non-compliance with the provisions of the Constitution, the Act of 1951, the Rules framed under the Act (Conduct of Election Rules of 1951, hereinafter called as the Rules of 1951) and Orders made thereunder and by improper reception of the votes. The following are the particulars:
 - (i) There were notifications under section 25 of the Act showing the list of the polling stations and polling areas for the assembly Constituencies for the election to the State Legislature by the Returning Officers of the respective Assembly Constituencies. The Returning Officer of the Outer Parliamentary Constituency published in the Gazette of Manipur dated 5th February 1967 that the polling stations and polling areas or group of voters, as notified by the respective Returning Officers for the Assembly Constituencies falling within the Parliamentary Constituency, would be the polling stations for the Parliamentary Constituency also. The notification was issued by the Returning Officer contrary to section 25 of the Act of 1951. It should have been made by the District Election Officer or by any other competent authority and not by the Returning Officer.
 - (ii) There was no poll for the State Legislature from the Mao West Assembly Constituency as Shri Sibo Larho was elected uncontested. The total number of voters in Mao West was 13,054. But, many voters could not cast their votes due to the non compliance with the provisions of the Act of 1951. About 7,000 voters would have cast their votes in favour of the petitioner, had there been proper poll.
 - (iii) The ballot papers did not bear distinguishing marks as provided by Rule 38 of the Rules of 1951. The Returning Officer accepted void votes in violation of the provision of Rule 56 of the said Rules.
 - (iv) There were unauthorised changes of polling stations from the notified places to several other places in the last moment. The notified polling station in Tungam High School in Mao East Assembly Constituency was changed illegally without any notice to Paomata High School. Out of 1,242 voters, more than 500 voters could not cast their votes due to the illegal change and the petitioner would have secured those votes. Chandel Junior Basic School was one of the notified polling stations in Tengnoupal Assembly Constituency. But the place of poll was changed illegally without any notice to Chandel Industrial Training Centre, which is at a distance of about 1½ miles from Chandel Junior Basic School. Due

to the change of the booth, out of 1,069 voters about 600 voters could not cast their votes and the petitioner would have got about 550 votes out of them. The polling station in Litan Lower Primary School, within Phunyar Phaisat Assembly Constituency, was illegally changed without any notice to Mangkot Chepu Junior High School. Out of 449 voters about 80 could not cast their votes due to the change of the polling station. The petitioner would have secured at least 50 votes more. The Lower Primary School in Purum Pantha within Tengnoupal Assembly Constituency was the notified polling station. But, in the last moment, the place of polling was changed illegally without any notice to Ngakra Pat, which lies at a distance of about half a mile from the place originally fixed. So, out of 654 voters, about 250 voters could not cast the votes due to the change of the polling station. The petitioner would have secured at least 150 voters more, if there was no illegal change.

- (v) Armed Naga hostiles disturbed the polls in several places. Still the polls were continued inspite of the disturbances. The polls were started later and closed earlier within the scheduled hours. The poll commenced at 10-30 A.M. in Chandel Industrial Training Centre and closed at 2-00 P.M. In the notified polling station of the Middle English School at Toupokpi, the poll commenced at 7-30 A.M. and closed at 2-00 P.M. Out of 584 voters, 400 voters could not cast their votes. In Oklu Lower Primary School polling station, the poll commenced at 7-30 A.M. and closed at 3-00 P.M. Out of 725 voters, 400 voters could not vote on account of the disturbances. The polling in Chakpi Karong Middle English School, started at 8-30 A.M. and closed at 3-00 P.M. Out of 715 voters about 500 voters could not vote on account in the Junior Basic School in Larong, the poll commenced at 8-00 A.M. and closed at 3-30 P.M. Out of 581 voters, about 500 voters could not cast their votes on account of the disturbances. In the polling station in the Lower Primary School in Bolyang Tampak, the polling commenced at 8-00 A.M. and closed at 3-00 P.M. Out of 868 voters about 500 voters could not cast their votes on account of the disturbances. The petitioner would have secured at least 550 votes in Chandel, 300 votes in Toupokpi, 300 votes in Oklu, 450 votes in Chakpi Karong, 50 votes in Larong and 300 votes in Bolyang Tampak polling areas, if the polls were not disturbed and the polls were adjourned and held on some other notified date.
- (vi) No poll was taken in the notified polling stations in the Lower Primary School in Thuyeng in Mao West Assembly Constituency and the lower Primary School in Aben in Tamenglong Assembly Constituency. In Thuyeng no officer for taking poll was present. In Aben, the officers who were to take the polls, arrived and reminded for half an hour without making any arrangement for the polls to be taken and left the place immediately. The petitioner would have secured at least 400 votes in Thuyeng and 200 votes in Aben polling stations if the polls were held.
- (vii) No arrangement for taking polls was made in Phaibung Khullen Middle English School in Phaibum Khullen polling area, Lakhamei Middle English School within Lakhamei polling area and Ngari Khullen Middle English School within Ngari Khullen polling area within the Mao East Assembly Constituency. There were 614,665 and 564 voters in the abovementioned 3 polling stations respectively. Out of them, the petitioner could have secured about 1000 votes if arrangements for taking polls were made and polls taken.
- (viii) Punanamei Middle English School within Punanamei polling area having 1147 and the Dak Bungalow within Karong polling area having 513 voters were the notified polling stations in Mao West Assembly Constituency. But, on account of the wide rumour of threat by the hostiles the voters could not come out in the earlier part of the day of the poll. But when they came to vote at about 3-00 p.m., the polls were already closed. The petitioner would have secured about 450 votes out of them. But, he secured 2 votes in Punanamei and 1 vote in Karong.

(c) Thus the election of the first respondent is void and the result of his election was materially affected due to non-compliance with the provisions of the Act of 1951, the Rules of 1961 and the Order made thereunder. The petitioner, therefore, prayed that the election of the first respondent should be declared as void and that he should be declared as having been duly elected. In the alternative, he prayed that a re-poll in the above polling stations should be ordered after the election of the first respondent is set aside.

3. The first respondent filed counter denying the allegations of the petitioner and pleaded that the notification made under section 25 of the Act of 1951 fixing the polling stations is legal and valid. He averred that there was no violation of the provisions of the Act of 1951 or the Rules of 1961 and the Orders made thereunder, that the ballot papers bore distinguishing marks, that the notified polling stations were not shifted except in the case of the polling station in Litan for which the Election Commission of India gave *Ex post facto* approval, that the polls were held within the scheduled hours, that the polls were not disturbed and that his election was not materially affected in any way. The others 2 to 5 remained *ex-parte*.

4. On the above contentions the following issues were framed:

1. Whether the publication of the lists of polling station by the Returning Officers for the Legislative Assembly and Lok Sabha is illegal and contrary to Section 25 of the Representation of the People Act?
2. Whether about 7000 voters of Mao West Assembly Constituency did not vote?
3. Whether the ballot papers of the Outer Parliamentary Constituency did not bear distinguishing marks and were illegally taken into account?
4. Whether the notified polling station in Tungam High School, Chandel Junior Basic School, Litan Lower Primary School and Purum Pantha Lower Primary School were changed to Paomata High School, Chandel Industrial Training Centre, Chepu Junior High School and Ngakrapat and whether there was consequently less polling?
5. Whether the polling booths in Chandel Industrial Centre, Middle English School in Toupokpi, Oklu Lower Primary School, Middle English School in Chakpi Karong, Junior Basic School in Larong, Lower Primary School in Bolyang, Punanamei Middle School and Karong Dak Bungalow did not function at the due timings and there was less polling?
6. Whether there were no polling booths and whether there were irregularities as mentioned in para 7(c) 3 and 4 of the petition?
7. Whether the election of the 1st respondent was materially affected and is void due to non-compliance with the provisions of the Representation of People Act, Rules and Orders thereunder?
8. Is the petition not maintainable?
9. Whether the petition is bad for non-joinder of parties?
10. To what relief, is the petitioner entitled?

5. Issue No. 1.—Under section 25 of the Act of 1951, the District Election Officer shall, with the previous approval of the Election Commission, provide a sufficient number of polling stations for every constituency, the whole or greater part of which lies within his jurisdiction and shall publish, in such manner as the Election Commission may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they are respectively provided. But Exts. A/4 and A/8 publications in the Manipur Gazette go to show that the polling stations were fixed by the Returning Officer and not by the District Election Officer. The contention of the learned counsel for the petitioner is that the definition of "District Election Officer" in section 2(cc) of the Act of 1951 shows that he is an Officer designated or nominated under section 13AA of the Representation of the People Act, 1950 (Act XLIII of 1950), that under section 20A of the Act of 1951, the District Election Officer shall co-ordinate and supervise all work in the district or in the area within his jurisdiction in connection with the conduct of all elections to Parliament and the Legislature of the State subject to the Superintendence, direction and control of the Chief Electoral Officer and the Election Commission, but that in this case Exts. A/4 and Exts. A/8 notifications were issued by the Returning Officer and not by the District Election Officer and that, therefore, the election of the first respondent was illegal. The petitioner's

learned counsel further pointed out that though Rule 2(1)(bb) of the Rules of 1961, defines "District Election Officer" in relation to a Constituency in a Union Territory, as the "Returning Officer" of the said Constituency, the Rules cannot override the provisions of the Act of 1951 and that, therefore, even the said definition of the "District Election Officer" in Rules 2(1)(bb) of the Rules of 1961 is of no avail. But, this anomaly was remedied by the amendment of Section 26 of the Act, which was inserted by the Representation of the People (Amendment) Act (Act XLVII of 1966), lays down that any reference to a District Election Officer in section 25 and also in section 26 of the Act of 1951 shall, in relation to a Constituency in a Union Territory, be relation to a Constituency in a Union Territory, be construed as reference to the Returning Officer for that Constituency. So, the Returning Officer for a Constituency in a Union Territory is empowered to issue the notification under section 25 of the Act. Such, there is no substance in the contention of the petitioner's counsel that the publication of the list of the polling stations is a contrary to section 25 of the Act of 1951 and that it is illegal. I find issue No. 1 in the negative.

6. *Issue No. 2.*—No evidence was let in by the petitioner on this issue and his learned counsel did not press it. I find issue No. 2 against the petitioner.

7. *Issue No. 3.*—Both the parties and their counsel checked the ballot papers and found that they bear distinguishing marks. The petitioner's counsel made an endorsement on the notes papers that he did not press issue No. 3 I find issue No. 3 against the petitioner.

8. *Issue No. 8.*—The petition was filed under sections 80, 80A & 81 of Chapter II, Part VI of the Act of 1951. The respondents' counsel could not show how the petition was not maintainable and he did not press this issue. I find issue No. 8 against the first respondent.

9. *Issue No. 9.*—Under section 82 of the Act of 1951, the petitioner joined all the contesting candidates since he claims a declaration that the election of the first respondent is void and a further declaration that he himself had been duly elected. No allegations of any corrupt practice were made in the petition against any person. So, the petition is not bad for non joinder of parties. The 1st respondent's counsel did not press this issue. I find issue No. 9 in the negative.

10. *Issues No. 4 to 7.*—These issues are connected and are therefore considered together. The first contention of the petitioner is that 4 notified polling stations were changed at the last moment, that there was less polling, that the polls should have been adjourned under section 57 of the Act of 1951 and that the result of the election of the first respondent was materially affected. The evidence relating to the change of the notified polling stations has to be considered.

11. *Tungam Khullen High School Polling Station.*—As can be seen from serial No. 24/2 in Ext. A/6 Manipur Gazette Tungam Khullen High School was the notified building in Tungam Khullen, in which the polling had to be held. But the evidence of P.Ws. 1, 2, 6, 7 and 8 (Hongray, R. Khathing, A. Sosow, Hepusani and Yudu Law) is that the notified polling station was changed to the High School in Paomata, which is about 1½ miles from Tungam Khullen High School. Ext. A/19 shows that there were 1242 voters, but, as noted in Ext. A/17 only 522 voters cast their votes. P.W. 1 (Hongray) is working as Deputy Inspector of Schools in the Education Department in Mao Maram. He deposed that there is no High School by name Tungam Khullen High School in Mao Maram Sub-division. Though he was not connected with the polling, his evidence shows that there is no school as Tungam Khullen High School at all as notified in serial No. 24/2 in Ext. A/6. P.W. 2 (R. Khathing), who is now working in the Development Department in Tadubi, deposed that he worked as the Polling Officer in three polling stations in Mao East, that when he went to Tungam Khullen he did not find any High School therein and that in the evening of 27th February, 1967 the Presiding Officer of the polling station decided that the poll should be held in Paomata High School. His evidence is that the distance between Paomata High School and Tungam Khullen is about 1 or 2 miles and that Maomata High School is situated near Nagaland boundary and away from the nearby villages. It was elicited in his cross-examination that he and P.W. 29 the petitioner belong to the same community. But, he denied that he is related to the petitioner. There is no reason why his evidence should be disbelieved. P.W. 6 (A. Sosow) is a villager of Tungam Khunou. His evidence is that in the election, prior to the election of 1967, he had cast his vote in Tungam Khullen Lower Primary School, which is now called as the Junior Basic School and that, therefore, the

villagers of Tungam Khullen, Tungam Khunou and Saranamei gathered in the same School to cast their votes, but that they did not find any arrangement for taking the poll, that there were about 1000 voters at that time in the School and that they would have cast their votes in favour of the petitioner, had there been polling arrangement in Tungam Khullen L.P. School. But, they went away. In the cross examination he stated that he did not know whether High School classes were opened in Tungam Khullen Junior Basic School. According to him, the voters stayed for about 4 hours in Tungam Khullen and went away. No suggestion was made to him by the first respondent that he is any way interested in the petitioner. P.W. 7 (Hepusani) is the village Goubura. He corroborated the evidence of P.W. 6 (A. Sosow). It is also his evidence that some agents of the contesting candidates told the villagers that the polling would take place in Paomata, that out of them about 500 cast their votes in Paomata High School, that some villagers of Sunanamei went there but that they could not cast their votes as the polling station was closed that the building in which Paomata School is situate is called Paomata Centre, that it does not form part of Tungam Khullen village and that, if there had been arrangement for poll in the notified area, they would have cast their votes in favour of P.W. 29, the petitioner. His evidence in the cross-examination is that the distance between his village and Paomata School is about 2 miles and that he never knew that the polling would not take place in the J.B. School in Tungam Khullen but that it would take place elsewhere. He is also an independent witness. P.W. 8 (Yudu Law) is a resident of Suranamei village. It is his evidence that previously the voters cast their votes in the J. B. School in Tungam Khullen, that about 200 voters came to the said School in the last election to vote, that more than 1000 voters were present already in the said school when he arrived, but that no arrangement for taking poll was made in the J.B. School in Tungam Khullen and that, therefore, they all returned home. It is his further evidence that the voters were told that the polling would take place in Paomata High School that some went there, that P.W. 8 (Yudu Law) also went there but that they could not cast their votes because the poll was closed and that they would cast their votes in favour of the petitioner as they resolved in their village to do so. The evidence in his cross-examination shows that there were 200 voters in his village, while there were 900 to 1000 voters in Tungam Khullen, 80 voters in Tungam Khunou, that the distance between Paomata and his village is about 2 miles and that the distance between Tungam Khullen and Paomata is about 1 mile. He denied the suggestion that Paomata Centre is within Tungam Khullen. He swore that there were more than 1000 voters in the J.B. School in Tungam Khullen when he arrived. He is also an independent witness.

12. As against their evidence there is the evidence of R.Ws. 12, 16 and 17 (William Sailo, L. S. Thangjom and S. Langkhopao). R.W. 12 (William Sailo) worked as a teacher and is now without employment. His evidence is that he is a resident of Maozam village, that he went to his father-in-law's house where his wife was staying in Tungam Khullen, that the poll was held in the J.B. School in Tungam Khullen, that even previously the poll was held in the same School, that classes upto IX were opened, that now the school is called as Tungam Khullen High School, but that he did not cast his vote as his name was not in the voters' list and that his wife cast her vote. According to him, though there was no disturbance at the poll, only 500 voters cast their votes and Paomata is about 2½ miles from Tungam Khullen. He admitted in the cross-examination that he attended the Court during the trial of the petition on behalf of the first respondent (R.W. 29) to translate the evidence of some of the P.Ws given in Mao language but that he did not do so as some other person was made to translate the evidence. Though he stated that his wife had cast her vote, Ext. A/22 (Voters' list) shows that his wife's name "Bouro" daughter of Thoyu and wife of William Sailo is not found. According to him he did not ask his wife whether she had cast her vote or not. He admitted in the cross-examination that he was in the house of one Mr. Modoll with Mr. Larho, who was a candidate for the Assembly elections, but that Mr. Larho did not go to Tungam Khullen at all at the time of the election and that R.W. 12 (William Sailo) was with him all along, so, this shows that he never visited the Polling station in Tungam Khullen on the date of the poll. He could not state the details about the arrangements made for the booth. He is not an independent witness, as is evident from his admission that he was brought by the first respondent to translate the evidence of the witnesses in Mao Language. R.W. 16 (L. S. Thangjom) is the S.D.O. Mao and Sadar. His evidence is that he did not receive any report from any Presiding Officer about the change of any polling station. His evidence is not very material, since no report might have been sent to him, even if the polling station

was changed. R.W. 17 (S. Lungkhopao) is working as L.D. Assistant in the S.D.O's Office in Churachandpur. He deposed that he was appointed as Polling Officer in some polling stations including Tungam Khullen, that the poll was held in the High School in Tungam Khullen and that the Polling Officer were told by the village elders about the name of that School. In the cross-examination he deposed that he did not know Paomata, that he was working in Mao, that he never visited the place where the poll was held before holding the poll, that he did not know whether there is a High School in Tungam Khullen or not, and that he did not know whether the name of the place where the poll took place was Paomata or not. He does not know the boundaries of Paomata and Tungam Khullen. Thus, to sum up, R.W. 12 is not an independent witness and his evidence that he attended the poll in Tungam Khullen cannot be believed. R.W. 17 (S. Langkhopao) is not able to state whether the poll was actually held in Tungam Khullen or in Paomata. The first respondent did not examine any villager to show that the poll was held in Tungam Khullen High School. The evidence of P.Ws. 1, 2, 6, 7 and (Mr. Hongray R. Khathing, A. Sosow, Hepusani and Yudu Law) is more trustworthy and that of P.Ws. 6, 7 and 8 shows that the poll was held in Paomata High School and not in the High School in Tungam Khullen.

13. *Chandel Junior Basic School*.—The second polling stations, which was changed according to the case of the petitioner is the polling station in Chandel. As can be seen from serial No. 21/16 in Ext. A/3, the Junior Basic School was the notified polling station in Chandel Christian (Khullen). But, the evidence of P.Ws. 3 to 5 (Govind, Belhung and Lartin) shows that the poll was taken in Chandel Industrial Training Centre, which is about 1 furlong from the notified polling station in the Junior Basic School in Chandel. P.W. 3 (Govind) is working as Field Assistant in the Agricultural Department. He worked as polling Officer in Bolyang Tampak, Nungang Ching and Chandel. He stated that the polling station was shifted from Chandel Junior Basic School to Chandel Industrial Training Centre, which is about 1 furlong from the School in the cross-examination he stated that he did not know whether any notice was issued changing the polling station from Chandel Christian Khullen J. B. School to Chandel Industrial Centre. After his evidence was over, he was recalled and cross-examined. In the cross-examination he deposed that he belongs to Tangkhul community of the petitioner and that he is related to him. When his evidence was read over and interpreted to him he admitted that all his evidence except that with regard to his relationship with the petitioner is correct. His denial of having deposed that he is a relation of P.W. 29 the petitioner cannot be believed. He is undoubtedly related to P.W. 29 the petitioner. But, it has to be further seen whether his evidence about the change of polling station is true or false. P.W. 4 (Belhung) is the village Chief of Chandel Christian village. He deposed that the Polling Officer intimated to him in writing that the polling would take place in Chandel Christian Basic School and asked him to make arrangement for the same, that some villagers led by P.W. 4 (Belung) cleaned the School, that on the next day about 250 voters came to the School to cast their votes, but that there was nobody in the booth, that there was firing, that they all run away, that nobody cast his vote and that if the polls were held, they would have cast their votes in favour of the petitioner because the villagers had previously resolved to cast their votes for him. He deposed that the distance between his village and the polling booth is about one mile. He is an independent witness and the village chief. There is no suggestion to show that he is in any way interested in the petitioner. So, there is no reason for disbelieving his evidence. P.W. 5 (Lartin) is the chief of Yaphore village. His evidence is that he and about 70 villagers started for Chandel Basic School to cast their votes thinking that the poll would take place in it, but that on the way they were told that the polling station was shifted to Chandel Weaving Centre, and that, therefore, they all went to Chandel Weaving Centre, that when 1 or 2 villagers cast their votes, there was firing by the Naga hostiles and that all of them ran away. It is also his evidence that his house is near the centre separated by plain paddy fields and that they would have cast their votes in favour of the petitioner, if there were polls, as they had resolved in the village to cast their votes in his favour. In the cross-examination he deposed that he could not state the name of the person who told the voters on the way that the polling station was shifted to the Weaving Centre. There is no suggestion to show that he is in any way interested in the petitioner or that he is inimically disposed to wards the 1st respondent. So, he is an independent witness. P.W. 30 (L. Ramkaling) was pointed as the Presiding Officer in Chandel and some more Polling Stations. His evidence is that the polling station in Chandel was near the S.D.O's Office, that the

S.D.O.'s Office is in the "Headquarter", that the poll was held in a building which was a School and which was shown by R.W. 15 the S.D.O. who was the Returning Officer, but that he did not know what School it was, as he took it as the notified building. He proved Ext. A/24 (diary) maintained by him. So, his evidence does not show that the polling was actually held in Chandel High School, as he did not know personally whether it was Chandel Junior Basic School or Chandel Weaving Centre.

14. As against the above evidence there is the evidence of R.Ws. 13, 15 and 18 (Lunkholet Kuki, S. Sarat Singh and R. K. Sanajaoba Singh on behalf of the 1st respondent that there was no change of the notified booth, R.W. 13 (Lunkholet Kuki is a lambu attached to the Office of the R.W. 15 and S.D.O., Tengnoupal. He stated that the S.D.O.'s Office is situated in an area called as Chandel Industrial Centre, that the distance between Chandel Industrial Centre and Chandel village is a bit more than one mile, that the polling station was arranged in Chandel Christian J.B. School, that on the day of the poll he was asked by R.W. 15 the S.D.O. to go to Chandel to give some papers to the Presiding Officer that he went along with one lambu and one chowkidar, that when he reached the village, the polling officers were already present and that the polling took place in the Chandel Christian J.B. School. It is also his evidence that he returned to the S.D.O.'s office from Chandel village on the same day at about 3-00 p.m. along with some other villagers and that there was no fixing on the date of the poll. His evidence in the cross-examination shows the location of the Chandel Industrial Centre. The Office of P.W. 15 the S.D.O. is situated within the compound of the Industrial Centre, while the Chandel Christian village is situated on the plain land at the foot of a hill. Further, the Chandel Industrial Centre is situated on a plain high levelled land, which is about 10' high above the surface of the ground. Between the Industrial Centre and Chandel village, there are thickly grown trees and bushes here and there at some places. Chandel J.B. School lies cross-examination that the J.B. School is about one furlong from Sugnu Road, while the Industrial Centre lies at a distance of about two or three fathoms from Sugnu Road, that the J.B. School is a thatch roofed one with mud-plastered walls and earthen floor. That his evidence that he visited the polling booths on the date of the poll is false is clear from the evidence of R. W. 15 (S. Sarat Singh) the S.D.O. of Tengnoupal. He stated in his cross-examination that R.W. 13 (Lunkholet Kuki) was not in Chandel on the date of the poll but that he was in the office before and after the day of poll, as he sent him from Chandel in connection with some election matters. So, R.W. 13 (Lunkholet Kuki) was not present in Chandel on the date of the poll and his evidence that he was in Chandel on that date and that he visited the polling station in false. The evidence that he was in Chandel on that date and that he visited the polling station is false. The evidence of R.W. 15 (S.D.O.) is that he worked as the Returning Officer in Tengnoupal Assembly Constituency, that at the conclusion of the polls, all the Presiding Officers submitted report to him, that he did not receive any report about the change of any polling station and that the polls were held as notified. In the cross-examination he deposed that he knew Chandel Industrial Centre, which is near his office, but that he did not know Chandel Junior Basic School on the date of the poll, that he came to know of it recently in August or September, 1967 when the site was selected for the construction of Block Headquarters, that the J.B. School is in a dilapidated condition and that there are some buildings with bricks upto the plinth area with C.I. Sheets on the roofs. Road in the light of his evidence, the evidence of P.W. 30 (L. Ramkating), the Presiding Officer for Chandel polling station, that the polling station was near the S.D.O.'s Office, that it was shown to him by R.W. 15 the S.D.O. and that P.W. 30 (L. Ramkating) took it as the notified building clearly shows beyond any doubt that the poll was taken in Chandel Industrial Centre near the Office of P.W. 15, the S.D.O. and not in the J.B. School. For, the Chandel J.B. School lies within the village separated from the Industrial Centre by thickly grown up trees and bushes while the Industrial Centre is near the Office of R.W. 15 the S.D.O. The latter could not have pointed out the J.B. School in Chandel, which is situated within the village, because he never knew that School at all on the date of the poll. Also, P.W. 30, the Presiding Officer, stated in his diary Ext. A/24 that the poll was held in a semi-pucca building. But, in view of the evidence of P.W. 15, the S.D.O., that the said School was in a dilapidated condition, it could not be called as a semi-pucca building. R.W. 18 (R. K. Sanajaoba Singh) is the Farm Manager in the Department of Agriculture, Manipur. His evidence is that he was appointed as Polling Officer in three polling stations, namely Bolyang Nungang Ching and Chandel Christian Khullen, that the poll in Chandel village took place in a building which he took as notified School building and allowed

the poll to go on, as the Presiding Officer and Polling Officers consulted some persons and asked him to make arrangements for polling booth in a building shown to him. In the cross-examination he stated that he did not know whether the building in which the booth was arranged and poll was taken, was a School building or not. He did not see any sign board. He admitted that the polling station was in the Chandel Headquarters and that it was a pucca building. He admitted that P.W. 30 the Presiding Officer made an entry in his diary Ext. A/24 in his presence that the building, wherein the polling took place, was described as a semi-pucca building. R. W. 18 (R. K. Sanajaoba Singh) further stated that he saw Government buildings in the area of the Headquarters, where the poll was held. So, his evidence also shows that the poll was not held in the dilapidated J.B. School. As such, the evidence of P.Ws. 3 to 5 (Govind, Belhung and Lartin) that the poll was taken in Chandel Industrial Centre and not in Chandel Christian J.B. School is reliable and trustworthy.

15. *The Lower Primary School in Purum Pantha.*—As can be seen from serial No. 21/15 in Ext. A/3, the Lower Primary School in Purum Pantha was the notified polling station. But, the evidence of P.Ws. 12, 13 and 17 (Kundojao Chothe, Leikhamjao and S. Reakhup Kom) shows that the poll was held in Ngakrapat, which is about half a mile from the said L.P. School in Purum Pantha. P.W. 12 (Kundojao Chothe) is the Khullakpa of Purum Lainingkhul village. His evidence is that the L.P. School in Purum Pantha was notified as the polling station, that in the evening of the day prior to the election, some two persons asked him to come to Ngakrapat to make arrangement for the polls, that when he was going on the direct road to Ngakrapat, he met some persons and asked them to come to the School to arrange the booth, that he reached the School at about 7-30 a.m., that the booth was arranged, that one of his clothes was also utilised for arranging the booth, that Ngakrapat is a plain ground and that those voters who wanted to vote in the School by going through Ngakrapat were stopped in Ngakrapat and made to cast their votes. He further deposed that he waited in Ngakrapat till 2-00 p.m. and went to his village via the School, that he found about 300 voters in the School, that some of them asked him whether they should vote in the School or elsewhere, that he asked all of them to vote in Ngakrapat, that he came after casting his vote, that 250 voters left the School saying that they came from the hills and that they could not go to Ngakrapat and that those voters included women with children. It is also his evidence that out of the 300 voters, at least 250 would have cast their votes in favour of the petitioner. His evidence shows that the distance between Ngakrapat and the L.P. School in Purum Pantha is about half a mile and that the School is situated on a hill. In the cross-examination he deposed that he did not know of which village the plain ground of Ngakrapat forms part, but that it is to the south of his village. The contention of the learned counsel for the first respondent is that the evidence of P.W. 12 (Kundojao Chothe) shows that there were two booths—one in L.P. School, Purum Pantha and another in Ngakrapat, but that this is not the case of the petitioner and that therefore his evidence should not be believed. His evidence, no doubt, shows that there were two booths. But, it also shows that there were about 300 voters in the School and that no poll was taken in the polling booths constructed in Ngakrapat. So, his evidence that all the voters could not vote cannot be rejected on the ground that his evidence shows that arrangement was made in the L.P. School in Purum Pantha also without any Polling Officer in it. He is an independent witness P.W. 13 (Leikhamjao) is a resident of Purum Tampak. His evidence is that his villagers had to cast their votes in the L.P. School in Purum Pantha, that he started for the School via Ngakrapat to cast his vote, but that he was stopped in Ngakrapat, that he cast his vote in it, that he remained till the polling was over, that the poll was closed at 3-00 p.m. and that no notice about the change of the polling station was given to the voters. In the cross-examination he deposed that Ngakrapat is to the west of Purum Pantha and that the distance between them is about half a mile. There is no suggestion to show that he is in any way interested in the petitioner. There is no reason for disbelieving his evidence. He is an independent witness. P.W. 17 (S. Reakhup Kom) is working as an Assistant in the Office of R.W. 4 and Assistant Engineer, in Imphal. His evidence is that he was deputed as Polling Officer in the last election in Purum Pantham that though the poll was to be held in L.P. School in Purum Pantha, it was held in Ngakrapat, that the distance between them is about half a mile and that there was no notification for the change of the Polling Station. He deposed that the polling station was changed because some villagers of Purum Pantha did not like to have the booth in their village as they apprehended danger at the hands of the Naga hostiles. It was elicited in his cross-examination that he was not directly appointed by the Election Department but that R.W. 4 the Presiding Officer appointed him

and that he is working as the Assistant of R.W. 4. He stated that his main function during the election was to tell the voters what they should do. In the re-examination he stated that he was appointed as a substitute for a polling Officer who was appointed by the Government and who was absent. Under the first proviso to Sub-Sec. 1 of S. 26 of the Act of 1951, the Presiding Officer can appoint a substitute a Polling Officer, if the latter is absent. So, the fact that he was not directly appointed by the Returning Officer does not militate against his evidence, is an independent witness.

16. As against the above evidence, there is the evidence of R.Ws. 4, 9 and 15 (I. Kishorechand Singh, Tongkhotan and S. Sarat Singh) on behalf of the first respondent. R.W. 4 (I. Kishorechand Singh) stated that he was deputed as Presiding Officer for 3 polling stations in Aimol, Liwa Chaning and Purum Pantha, that, as there was no School in Purum Pantha, he improvised a temporary booth in it, that he could not even trace the compound of any School on account of bushes, that, therefore, he improvised a temporary booth in Purum Pantha and that he did not make any report to the Returning Officer about the non-existence of the School, but that he mentioned in his diary that he got a booth put up. In the cross-examination he stated that he got the polling booth improvised in the evening of 27th February, 1967 and that distance between the polling booth and Sugnu road would be about $1\frac{1}{2}$ miles. He further deposed that the booth was improvised on an open area, that he did not know whether the place on which he arranged the polling station is called Ngakrapat or not. He admitted that the L.P. School was found on a hilly area, which was pointed out to him by the headman of the village. So, admittedly the poll was not taken in the building of the L.P. School in Purum Pantha R.W. 9 (Tongkhotan) is the chief of Ihang village. His evidence is that though the L.P. School in Purum Pantha was the notified polling station, polling could not be taken in that School as it was gutted by fire, that a booth was constructed in the compound of the L.P. School forming part of the play-ground of the School children and that the distance between his own village Ihang and Purum Pantha is about two miles. It is his evidence that the School was gutted about one month prior to the poll and that the improvised polling booth was constructed with small wooden posts, clothes and wrappers. In the cross-examination he stated that he was not present when the School was burnt and that he had no personal knowledge about the gutting of the School building. According to him, Purum Pantha is situated within hills. On the western side of the polling booth there is Sugnu Road. Between Sugnu Road and Purum Pantha, there is a plain-ground but for one small hill-lock in between. He admitted that there is Ngakrapat between Sugnu road and Purum Pantha hill-foot. But, he denied that the polling station was improvised in Ngakrapat. The evidence of R.W. 15 the Returning Officer that he did not receive any report about the change of the polling station is correct and is of no avail, since admitted by R.W. 4 changed the polling station. On the evidence of R.Ws. 4, 9 and 15 (I. Kishorechand Singh and S. Sarat Singh), the learned counsel for the 1st respondent contended that though the poll could not be taken in the notified polling station of L.P. School, it was taken in a booth improvised on play-ground and compound of the same School and that therefore there was no real change of the notified polling station. But, the evidence of R.W. 9 (Tongkhotan) shows that the School was gutted. The evidence of R.W. 4 (The Presiding Officer) shows that it is in a hilly area and that he could not even locate the boundaries of the School. The polling station was improvised on plain ground. As such, it cannot be stated that the booth was improvised in the compound of the notified L. P. School. The evidence of P.Ws. 12, 13 and 17 (Kundojao Chothe, Leikhamjao and S. Reakhup Kom) that it was improvised in Ngakrapat at a distance of about half a mile from the L.P. School seems to be true and more probable.

17. **Litan Lower Primary School**—As can be seen from serial No. 22/5 in Ext. A/5, the Litan Lower Primary School was the notified polling station in Litan. But, admittedly the polling was not held in that School. P.Ws. 20 and 21 (Shangreiyung and Theingai) stated that it was held in Mangkot Chepu Junior High School. P.W. 20 (Shangreiyung) is working as a "lambru" attached to the D.C.'s office in Imphal in Manipur. He deposed that he was appointed as a Polling Officer, that the venue of the poll was shifted from Litan Lower Primary School to Mangkot Chepu Junior High School, but that no notification was issued for changing the venue and that the voters were also not informed. P.W. 21 (Theingai) is a hotel keeper in Litan. He deposed that on the date of the poll he went to the L.P. School in Litan to cast his vote but that he did not find any arrangement for taking poll in that School, that on enquiry some women told him that the polling party left the village and that P.W. 21 (Theingai) also went along the way shown to him. He further deposed that he found a polling

booth in a School in a Kuki village, that he cast his vote in it, that he saw about 50 voters of his village and 30 Kukis of another village in his hotel when he came back and that they left his hotel stating that they had come to vote in the L.P. School, but that they did not find any arrangement and that, therefore, they were going away.

18. As against their evidence, there is the evidence of R.Ws. 3, 7, 20 and 21 (Azad Ali Shah, Lunkim Haokholet, A. Kokesore Singh Bhabani Ranjan Ganguli). R.W. 3 (Azad Ali Shah) is working as S.D.O. and Magistrate for Transport cases and Excise cases in Lamphelpat. He was the Presiding Officer in the polling booth in Litan. He deposed that Litan L.P. School was the notified polling station, that it did not exist at the time of the polls, that the poll was taken in Mangkot Chepu L.P. School, that there was objection by one of the candidates to the change of the booth without notice, but that subsequently there was *ex post facto* ratification by the Election Commission of India. R.W. 7 (Lunkim Haokholet) stated that there was no L.P. School as notified and that, therefore, the poll was held in Mangkot Chepu L.P. School, where in previous polls were also taken. He stated that the distance between Litan bridge and the School is about two furlongs and that the people were told on the previous day that the poll would be taken in Mangkot Chepu L.P. School. In the cross-examination, he deposed that there is one private L.P. School in Litan for which the Government is granting Rs. 4,000 and that there is one Junior High School in Mangkot Chepu. The evidence of R.Ws. 20 and 21 (A. Lokeshore Singh and Bhabani Ranjan Ganguli) state that the Election Commission of India approved *ex post facto* the change of the polling booth from Litan L.P. School to Mangkot Chepu, as can be seen from its order and the correspondence Exts. B/1 to B/5. Thus, admittedly the polling station was changed from Litan L.P. School to Mangkot Chepu, though the first respondent alleged that there was *ex-post facto* approval by the Election Commission of India.

19. Thus, the notified polling stations in Tungam Khullen High School, Chandel Junior Basic School, Puraum Pantha Lower Primary School and Litan Lower Primary School were changed at the last moment on the date of the polls under section 25 of the Act of 1951, the polling stations have to be notified and published in the Gazette. It runs as follows:

"25. Provision of polling stations for constituencies—That district election Officer shall, with the previous approval of the Election Commission, provide a sufficient number of polling stations for every constituency, the whole or greater part of which lies within his jurisdiction, and shall publish, in such manner as the Election Commission may direct, a list showing the polling station so provided and the polling areas or groups of voters for which they have respectively been provided."

Also, Rule 49 of the Conduct of Elections Rules, 1961 lays down that the Election Commission may, by notification, published in the Official Gazette at least 15 days before the date, or the first of the dates of poll appointed for an election, direct that the method of voting by ballot shall be followed in that election as such polling stations as may be specified in the notification. Every such polling station is a notified polling station. It follows that the venue of a polling station as well as its change should be notified in the Official Gazette at least 15 days before the date of the polls. So, the polls in the above 4 stations were taken contrary to section 25 of the Act of 1951 and Rule 49 of the Rules of 1961.

20. So far as the polling station in Litan is concerned the contention of the learned counsel for the first respondent is that there was *ex post facto* approval of the change of polling station by the Election Commission of India and that, therefore, the election of the first respondent cannot be challenged. He relied on Article 324(i) of the Constitution of India, under which the superintendence, direction and control of the preparation of the electoral rolls for and the conduct of all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under the constitution including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislature of States shall be vested in the Election Commission. He also relied on a passage at page 233 of Digest of Election cases—Vol. 11—22, 1955—1960, published under the authority of the Election Commission by the Government of India in 1961 and *Niharendu Dutt Mazumdar versus Sudhir Chandra Bhandari and others* (VI Election Law Reports, 197), *Motilal versus Mangla Prasad* (XV Election Reports, 425), *Radhakrishnan versus Muthukumaraswami Naidu and others* (XIX Election Law Report 481), and *Lakshmi Narain versus*

Balwan Singh and others (XX Election Law Reports, 76) in support of his contention that where the Act itself omits to provide for a constituency and does not contain any provision for meeting the situation, the general power conferred upon the Election Commission by Article 324(1) of the Constitution will come into play, that the Commission will have a right to pass the necessary orders if it falls within the ambit of its power: enumerated in Article 324(1) of the Constitution of India, that there is no provision in the Act of 1951 or the Rules of 1961 for change of booths and that therefore the Election Commission was competent to ratify *ex post facto* the change of the polling station. But, Rule 49 of the Rules of 1961 specifically provides that there must be a notification fixing the polling station at least 15 days before the polls are held. Section 25 of the Act of 1961 also lays down that the names of the polling stations must be notified. It is quite obvious why the above provisions regarding notification of the polling stations were made. Voters must know the venue where they have to cast their votes. In the last moment the polling station cannot be changed to some other place without prior notification and thereby deprive the voters of their right of franchise. The Election Commission cannot validate and give *ex post facto* sanction of changing a booth, after the mischief has been done. So, Ext. B/1 order of the Election Commission is not legal and cannot validate the poll held in Mangkot Chepu polling station instead of in Litan L.P. School.

21. As the polling stations were not found, the polls should have been adjourned under section 57 of the Act of 1951 and fresh polls should have been held after due notification under section 25 of the Act of 1951 and Rule 49 of the Rules of 1961. Section 57 of the Act of 1951 runs as follows:

"57. Adjournment of poll in emergencies.— (1) If at an election the proceedings at any polling station provided under section 25 or at the place fixed under sub-section (1) of section 29 for the poll are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station or the returning officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a presiding officer, he shall forthwith inform the returning officer concerned.

(2) Whenever a poll is adjourned under sub-section (1), the Returning Officer shall immediately report the circumstances to the appropriate authority and the Election Commission, and shall, as soon as may be, with the previous approval of the Election Commission, appoint the day on which the poll shall recommence, and fix the polling station or place at which, and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the returning officer shall notify in such manner as the Election Commission may direct the date, place and hours of polling fixed under sub-section (2)."

Section 57 therefore, allows adjournment of the polls if there is sufficient reason. Publication of a wrong polling station or failure to locate the correct one or non-existence of a notified polling station is a sufficient cause for which a poll can be adjourned. *Vide also Tazuddin Ahmed versus Dhanirao Talukdar* (A.I.R. 1959 Assam, 128) in this connection. So the polls in the above mentioned 4 polling stations were held contrary to the provisions of section 25 of the Act of 1951 read with rule 49 of the Rules of 1961 and also contrary to section 57 of the Act of 1951 and the election of the first respondent, in so far as the above mentioned 4 polling stations are concerned, is liable to be set aside under section 100(1)(d)(iv) of the Act of 1951, provided the result of his election was materially affected.

22. The second contention of the petitioner's counsel is that in the following six polling stations there were disturbances by the armed hostile nagas, but that the polls were continued without being adjourned under section 57 of the Act of 1951, that there was less polling and that the petitioner would have got innumerable votes if the polls were adjourned and taken when there was no disturbance and that the result of the election of the first respondent was materially affected. No issue was framed on this point. But, evidence was let in by both the parties. But omission to frame an issue on the point is not fatal. *Vide Nedunni Kameswaramma versus Sampati Subba Rao* (A.I.R. 1963

Supreme Court, 884) and *Kunja Kesavan versus M. M. Phillip and others* (A.I.R. 1954 Supreme Court, 164). In fact, the counsel for the first respondent did not contend that as no issue was framed the evidence should be rejected. That there was disturbance in a number of polling stations is clear from Exts. A/10 to A/16 notifications made by the Returning Officer in the Manipur Gazette adjourning the polls in some other polling stations on account of obstruction caused by armed hostile Nagas. Also, Ext. A/20 shows that a question was put in the Legislative Assembly in Manipur regarding disturbances which took place in the polling stations in Manipur Union Territory. The names of 12 polling stations including some of the following polling stations were mentioned as those in which the underground armed Naga hostiles opened fire and disturbed the polls. The following are the polling stations, about which evidence was let in to show that the polls were disturbed:

23. *Chandel Christian J. B. School*—The evidence of P.Ws. 3 to 5 (Govind, Belhung and Lartin), already referred to, shows that there was firing by the hostile Nagas at the booth in the forenoon of the day of election twice or thrice, that voters ran away and that the poll was disturbed. The contention of the learned counsel for the 1st respondent is that no details of firing were mentioned by P.Ws. 3 to 5 (Govind, Belhung and Lartin) and that their evidence is belied by that of P.W. 30 (L. Ramkating) who worked as the Presiding Officer in the polling station. After the evidence on the side of the petitioner was over, the petitioner's counsel filed a petition (C.M.A. 104/1967) in 2nd December 1967 to examine P.A. 30 (L. Ramkating) to prove Ext. A/24 diary maintained by him. As Ext. A/24 was not available when the petitioner let in evidence, P.A. 30 was examined only for the purpose of proving Ext. A/24. As such, his evidence does not belie that of P.Ws. 3 to 5 (Govind, Belhung and Lartin). Though R.W. 13 (Junkholet Kuki) stated that he was present in the polling station on the date of the poll, it is already shown that his evidence is not true. R.W. 15 (S. Sarat Singh) received report that there was disturbance by Naga hostiles in some polling stations but not in Chandel. R.W. 18 (R. K. Sanajaba Singh) did not state that there was no firing by the armed Naga hostiles on the date of the poll. As P.Ws. 3 to 5 (Govind, Belhung and Lartin) are independent witnesses, I find that there was firing by the armed Naga hostiles on the date of the poll and that the poll was disturbed.

24. *Toupokpi M. E. School*—The evidence of P.Ws. 26 to 28 (Runghring and Ch. Mordant Anal) shows that there was firing by armed Naga hostiles in the night prior to the date of poll and also on the date of the poll. P.W. 26 (Runghring) is the Chief of Toupokpi village. He deposed that at about 11-00 p.m. in the night prior to the date of the poll, there was exchange of fire between Naga hostiles and the security forces, that all the residents of his village except himself ran away, that in the morning of the day of poll he and the polling officers changed the polling booth to another place in the same school compound as the prior booth was at the foot of the hill, that about 100 voters came from the two villages of Singtum and Khongnang Pheisabi under the protection of the security forces, that about 150 voters came from Nongpan village, that then there was firing by the Naga hostiles, that some only could cast their votes, that others ran away, that there was exchange of fire between Naga hostiles and the security forces and that even mortars were used. He further deposed that some mortars exploded near a hamlet of his village and that the Chiefs of the hill ranges, resolved to cast their votes in favour of the petitioner as they knew him previously and as they did not know other candidates. His evidence in the cross-examination shows that he was not present at the scene when there was exchange of fire in the night prior to the date of the poll but that he saw bloodstains on the road in the evening of the polling day. P.W. 28 (Ch. Mordant Anal) was the polling agent of the 4th respondent. He deposed that he first went to Bolyang on 20th February 1967 and then to Toupokpi on 24th February 1967 that on 20th February 1967, there was exchange of fire between Naga hostiles and the security forces in Bolyang and that in Toupokpi also there was exchange of fire, that there was disturbance in both the places, that the voters fled away and that the villagers told him that they resolved to vote in favour of the petitioner. He stated in the cross-examination that at about 10-00 a.m. there was firing in Toupokpi that the firing took place 3 or 4 times and that the voters fled away to a distance of about 2 furlongs from the polling station in the southern direction as the hostile fired from the eastern direction. Both P.Ws. 26 and 28 (Runghring and Ch. Mordant Anal) are independent witnesses.

25. As against their evidence, there is the evidence of P.Ws. 11, 14 and 19 (Chungkhoyang Kuki, Soyam and Ng. Mangi Singh). R.W. 11 (Chungkhoyang Kuki) is a villager of Toupokpi. He deposed that security forces guarded the booth, that the villagers of Surcham, Khongnang, Pheisabi and Chingjakhok came to vote but that the villagers of Toupokpi fled away and that he was told

that the hostiles elements threatened to fine the villagers of Toupokpi at Rs. 50 each if they voted. It is his evidence that he did not hear any firing in the previous night. But, he admitted that on the date of the poll there firing 3 or 4 times from about 11-30 A.M. to 12-00NOON. It is his further evidence that after the first firing took place the security forces asked them not to be afraid, because the firing took place at a very distant place. In the cross-examination he stated that he heard the sound of the explosion of mortar bombs on the eastern side of the polling booth. He had no personal knowledge about the threat by the hostile elements that the villagers would be fired if they polled. He admitted that the voters were behind the School to guard themselves against in flying bullets. So his evidence shows that bullets were actually flying over the booth. R.W. 14 (Soyam) is the village chief of Chakpi Molbem, which is about 3½ miles from Toupoki. It is his evidence that though he did not go to the polling booth, he could not see it from his house that about 50 persons came from Toupoki to his village at about 6-00 A.M. and told him that they would be fined Rs. 50, if any voted, but that he did not know who threatened to impose the fines. According to him, they took shelter on the volley-ball playground in his village. He deposed that he did not hear any sound of firing in the night prior to the polling day as he went to bed at about 7-30 or 8-00 P.M. He learned that some of the villagers of Toupokpi ran towards Thungkangpi village and hid themselves near the Chakpi river. He did not know whether they ran away on account of any firing in the night prior to the poll. According to R.W. 19 (Ng. Mangi Singh) who was appointed as the Presiding Officer in the polling station, the poll was not disturbed. In the cross-examination he stated that though about 500 to 600 voters were attached to the polling station, about 130 voters only cast their votes. He admitted that on the date of the poll he heard some sound at some distance two or three times, that some voters were inside the compound while others were outside the compound of the polling station and that the security forces returned the fire at random. So, it is evidence that there was exchange of fire on the date of the poll.

26. Thus there was disturbance in the night prior to the day of poll and also on the day of the poll by the armed Naga hostiles and many voters could not cast their votes.

27. **Chakpi Karog M.E. School.**—According to the evidence of P.Ws. 24 and 25 (Th. Wangsol and Thomsin), there was firing by armed Naga hostiles on the polling booth on the date of the poll and the poll was disturbed. P.W. 24 (Th. Wangsol) is a teacher in the Junior High School in Chakpi Karong. The Junior High School is in one portion of the same compound, in which the Middle English School, where the poll was held, is situated. He deposed that he went to the polling station to cast his vote but that a about 9-00 A.M. there was firing that some of the voters ran away, while others hid themselves in low lying areas that the polling officer also left the booth and hid themselves in a canal, that 5 minutes after the first firing, there was a second firing and that he came away through the canal to his house. The distance between his house and the School is about 15 yards. His evidence shows that there were 400 voters, that most of them ran away, that after he returned home he heard another firing at the army post, that there was another firing at the time of the departure of the Naga hostiles and that he saw Naga hostiles moving on the top of the hill. He swore that after the hostiles went away he, the headman and the Head Master went to see the School, that he saw two bullet-holes in the booth and one bullet hole in the roof of the School, that the holes are still in existence and that the poll was closed at 3-00 P.M. He stated that the villagers would have cast their votes in favour of the petitioners as they resolved to do so. His evidence in the cross-examination shows that there were two truck-loads of security forces, that he did not hear of any threat by the Naga hostiles prior to the poll and that the Naga hostiles fired from a distance of about half a mile from the polling station. P.W. 25 (Thomsin) is a student belonging to Rungchand Village. His evidence is that he went to cast his vote, but that he could not cast it as there was firing by the hostiles, that there were 300 to 400 voters in the School before the firing took place that about 200 voters ran away, that some others hid themselves and that the voters who ran away did not cast their votes. It is his evidence that the villagers resolved to cast their votes in favour of the petitioner. His evidence in the cross-examination also shows that firing started at about 8-30 A.M. and that the hostiles threatened from the hill-lock known as Karing Ching. Besides their evidence, there is the evidence of R.W. 1 (S. Kipgen), B.D.O., Churachandpur, who was deputed as Presiding Officer. He deposed even in the Chief examination that there was firing from long distance at about 8-10 A.M. but that the poll was not disturbed as they security forces protected the voters and also the polling party. In the cross-examination he deposed that there was firing

twice, that it is also true that there were some bullet holes in the School due to firing, that about 70 voters only cast their votes out of 700 voters and that the last vote was recorded at 1-30 P.M. According to him, trenches were dug previously around the polling booth and the security forces were in the trenches, while the voters were inside the compound. About 4 or 5 guns were said to have been used. His evidence that the voters did not run away is unbelievable. So, it is evident that there was firing on the day of the poll and that the poll was disturbed.

28. *Bolyang Tampak L.P. School.*—P.Ws. 27 and 28 (K. Tushung Anal and Ch Mordant Anal) are the witnesses, who were examined by the petitioner to speak to the disturbance in this polling station. P.W. 27 (K. Tushung Anal) is a teacher in the Government Aided M.E. School in Oklal. He is a resident of Yomang village, which is in the middle portion of a hill, at the bottom of which the polling booth was situated. It is his evidence that he and about 50 villagers of his village and about 40 villagers of Unapat village started for the School to cast their votes, but that when they were about 2 or 3 furlongs from the School, they heard firing and that they ran away to their village and made their women and children hide in trenches. He deposed that 3 or 4 villagers went to the top of the hill to see what was happening, that he saw again people gathering in the polling station, but that again there was firing, that the voters dispersed, that there were a number of firings within intervals of half an hour or one hour, that he and some villagers saw a mortar on the top of the Tokpa Chin and that it exploded emitting smoke and sound. He stated that women and children began to weep. It is his evidence that the villagers had previously resolved in the village to vote in favour of the petitioner. His evidence in the cross-examination is that he could not go to the polling station, that the firing started at about 8-30 or 9-00 A.M. and that he could see the polling station from his house. He is an independent witness. The evidence of P.W. 28 (Ch. Mardant Anal), the polling agent of the 4th respondent already referred to, is also to the same effect. As against their evidence, there is the evidence of P.Ws. 2, 6, and 18 (Thongul, Mangshong and R.K. Sanajaiha Singh), R.W. 2 (Thongul) is a resident of Soukom village. He deposed that the polling party arrived in the village of Bolyang Tampak in the night prior to the date of the poll, and that at about 3-00 P.M. he cast his vote. But, even in the Chief examination he admitted that he heard firing (though at a long distance), that the villagers hid themselves in low lying areas, that at first there were 15 security forces protecting the polling booth, that later on 10 security forces came there from Sugnu side and that due to their protection some voters cast their votes. In further statement in the chief examination that there were 300 to 400 voters but that on hearing the firing, some of them ran away. His evidence in the cross-examination shows that that there was firing four or five times and that the voters went through trenches by bending down their heads and voted. According to him, the first firing was at 2-30 P.M. and the security forces drove away the Naga hostiles. But again, according to him, in the evening there was firing by the security forces. He admitted that there was an explosion like that of a bomb on the top of Tokpa Ching and that some bullets flew over the top of the polling booth. R.W. 6 (Mangshong) is a resident of Langching village. It is his evidence that from his village about 50 voters came, that there were already about 250 to 300 voters, that about 250 voters cast their votes and that there was firing to the east of the polling booths, but that he did not know who fired. He stated that the security forces guarded the station and that the poll was not disturbed, though about 10 or 20 voters ran away. According to him, he waited till 5-00 P.M. for his son and both of them went away after the poll was closed. In the cross-examination he admitted that he heard the sound of firing 3 or 4 times and stated that he did not know whether the security forces retreated. His evidence is that the agents of the candidates took the voters one after another from a low lying area. R.W. 18 (R. K. Sanajaoba Singh), one of the polling officers, admitted that there was firing by the Naga hostiles in Bolyang Tampak. But, he deposed that the polling officers hid themselves by lying on the floor in the booth itself without leaving it. In the cross-examination he stated that there was firing 5 to 6 times from 10-30 A.M. and that though there were 900 voters on the roll only 251 voters cast their votes. Thus, it is proved that there was firing at the polling booths 5 or 6 times and that most of the voters ran away without casting their votes.

29. *Oklu L.P. School.*—P. Ws. 9 and 10 (Tolhong and S.T. Mohlung) are the witnesses who were examined by the petitioner to speak to the disturbance in Oklu L.P. School polling station. P.W. 9 (Tolhong) is the chief of Oklu village. It is his evidence that on the date prior to the poll, there was loud explosion of

a bomb in Anal village, that in the evening of the same day a bomb exploded near his village also, that the villagers fled away to the jungles and fields, that P.W. 9 (Tolhong), and 12 others remained behind, that on the polling day 13, from his village and 4 from Anal village cast their votes and that the villagers returned to the village in the night. It is his evidence that there were 100 voters in the polling area and that more than half of them would have voted for the petitioner. He is an independent witness. P.W. 11 (S. L. Mochlung) is a resident of Anal. He corroborated the evidence of P.W. 9 (Tolhong). He is also an independent witness. As against their evidence, there is the evidence of R.W. 19 (Ing Mangi Singh) who was the Presiding Officer in the polling station. His evidence is that the polls were not disturbed. In the cross-examination, he stated that there were about 500 or 600 voters attached to the polling station but that only 17 voters out of them cast their votes. He admitted that in the day prior to the poll there was firing and that all the Polling Officers were awake in the night and did not sleep. It is proved that in the night prior to the date of poll there was disturbance by the Naga tribes, that the voters fled away and that they could not cast their votes in the date of the poll, though there was no firing in the day time.

30. *Larong Khullen J.B. School.*—No evidence was let in by the petitioner with regard to this Polling Station. But, R.W. 10 (R. K. Chingiensana Singh) who worked as the Presiding Officer in the Polling Station admitted in the cross-examination that there was firing on the day prior to the poll between 10-00 A.M. and 11-00 A.M., that there was exchange of fire for about one hour and that on the next day only 50 voters out of 500 to 600 voters cast their votes.

31. Thus there was actual firing on the day of the polls in 4 polling stations, and on the day prior to the days of poll in two polling stations and most of the voters ran away and did not vote due to the scare. Though nobody could be blamed more as a state of emergency in the above mentioned six polling stations which deprived large number of voters of their right to vote. The Presiding Officers should have postponed the polls or at least kept them open for a few days to enable the voters to cast their votes on the subsequent days. Steps should have been taken in advance by the concerned Election Officers and the Election Commission to keep open the polling stations for some days to enable the voters to cast their votes, in view of the disturbed condition of the areas wherein the polls were held. If the polls were kept open for a few days then the remaining voters would have also cast their votes. A similar situation arose in the Tanjore Case (2 Daobla 1960), referred to at page 100 in the Day of Elections and Election Petitions by Veera Vjaya and P. N. Chatterjee 1st edition. The learned commentator states that due to adjourn the poll in case of an emergency may avoid an election in the result the case has been materially affected. In the above Tanjore Case, the Government instructed the Returning Officers to keep open the polls for as many as days as might be necessary as the movements of the people and the movements of the administration were affected on account of severe floods. But those instructions did not reach certain Presiding Officers, who did not, therefore, keep their polling stations open. It was held that though no one was to blame for it yet it was an irregularity in the conduct of the election materially affecting the result of the election as it deprived a large number of voters of a right, which had already accrued to them, to exercise their suffrage on a later date. The present case is similar to the Tanjore Case and the concerned authorities should have taken steps in advance to keep open the booths for sufficiently long time to enable all the voters to exercise their franchise.

32. The contention of the learned counsel for the respondents is that with regard to the above aspect of the case is that as the security forces guarded the polling stations there was no disturbance at any place, firing took place at some distant places but in the case of all the polling stations in Gald and Chakpi Karong, there was no actual firing on the day of the poll and in the polling stations there was actual firing on the date of the polls and the bullets flew over the polling booths. In the firing, the security forces were not engaged in a regular war and exchange of fire between the security forces. As such it is not to be expected that voters to be scared and brave the bullets and to cast their votes in the night. It is stated that though there was no actual firing on the day of the poll in Gald and Chakpi Karong, there was firing in Gald in the night and in Larong in the day prior to the date of the poll and the villagers were scared and fled away. Under section 57(1) of the Act of 1951 the polls are to be adjourned in the proceedings if any polling stations are interrupted or obstructed by any riot or open violence. The proceedings of an election commence as soon as a person is nominated as a candidate

and end when the result is declared. *Vide Dr. Narvan Bhaskar Khare versus Election Commission of India* (XIII Election Law Reports, 112-Supreme Court. So, the proceedings at the election must be deemed to have been disturbed in the two polling stations of Oklu and Larong also, as obstruction and violence started from the day immediately preceding the day of the poll. As such, the election of the first respondent so far as the above mentioned six polling stations are concerned is contrary to the provisions of section 57 of the Act of 1951 and is liable to be set aside under section 100 (1) (d) (iv) of the Act of 1951; if it was materially affected.

33. The third contention of the petitioner's counsel is that no arrangements for polling were at all made in the two following stations, that no poll was taken and that if the poll was taken, the petitioner would have secured a majority number of votes. The evidence regarding the two polling stations is discussed below.

34. *Lakhamei M.E. School Polling Station.*—P.Ws. 14 to 16 (Sosow, Sano and Thaipri) are the witnesses who speak to the polling station in Lakhamei. P.W. 14 (Sosow) is the Headman of Lakhamei. His evidence is that on the day prior to the poll, there was an announcement that the villagers should not go out any where, but that they must be ready to cast their votes, that on the polling day about 500 voters gathered in the M.E. School but that there was no arrangement for voting in the said School that the polling officers told the voters that there would be danger to the voters and also the polling officers and asked them not to vote and that they all went away. He swore that the villagers had previously decided to cast their votes in favour of the petitioner. He denied that there was any threat by the Naga hostiles to the voters or the polling officers. He is an independent witness. P.W. 15 (Sano) a co-villager of P.W. 14 (Sosow) corroborated his evidence. His evidence in the cross-examination shows that about 500 voters assembled, that there were security forces in company with the polling officers, that there was no firing, that there was no threat by the Naga hostiles and that no poll was held. P.W. 16 (Thaipri) a teacher in the Lakhamei M.E. School also corroborated their evidence. They are all independent witnesses and there is absolutely no reason for disbelieving them. As against their evidence, the first respondent did not examine any village. But, he examined R.W. 8 (L. Birendra Kumar Singh), who is an Assistant Engineer, P.W.D., Imphal who was deputed to work as Presiding Officer in four polling stations, namely, (1) Ngarikhullen, (2) Phaibung Khullen (3) Chigmei Khunou and (4) Lakhamei. It is his evidence that the polling party arrived in Yakhamei on 27th February, 1967 that arrangement for poll was made but that nobody voted, though there was no firing or any threat by the Naga hostiles. According to him, the polling party and the security forces travelled on foot from one station to another. Though, they required 40 porters only 16 were given to them. Out of 16, two fell ill. So, there were only 14 porters and they had to leave half their rations in Maran. He stated that he used ropes supplied by the Election Office, their bed sheets available planks of the School including mats and jungle wood for construction the booth. He does not remember for what amount he submitted bill for the materials. He does not remember whether he submitted separate bills or only one consolidated bill. He does not remember whether any vouchers were submitted with the bills. He is not able to state why not even a single voter voted in any one of the 4 polling booths, of which he was the Presiding Officer. It is very significant to note that wherever he was said to have presided no voter cast his vote as can be seen from his evidence and also from Ext. A/17. As there were security forces and as there were no threat and firing by the hostile Nagas, it is impossible to believe that not a single voter came forward to cast his vote. There is no evidence on behalf of the first respondent that the voters boycotted the polls. The evidence of P.Ws. 14 to 16 (Sosow, Sano and Thaipri) belies the evidence of R.W. 8 (L. Birendra Kumar Singh) and shows that R.W. 8 the Presiding Officer did not make any arrangement for taking the polls.

35. *Ngari Khullen Polling Station.*—P.Ws. 11, 18 and 19 (Raisu, Yarmo and Samsak) are the witnesses who are examined with regard to this polling station. P.W. 11 (Raisu) is a village level worker in Khongdal Circle. It is his evidence that he went to Ngarikhullen to enquire about some furniture, that the villagers assembled before him, that they discussed the Block Development Programme, that then the polling officers came to his house for some vegetables. that in the meantime the villagers asked P.W. 11 (Raisu) whether they should cast their votes or not and that he advised them to cast their votes. P.W. 11 (Raisu) further deposed that R.W. 8 the Presiding Officer advised the villagers not to cast their votes since he knew the Deputy Commissioner, M.P. and the members of the High Court of the Naga Hostiles that the villagers would be in peril if they

voted and that the life of the officers would also be in danger. P.W. 11 (Raisu) further stated that there were 300 voters in the School, that he asked some of the villagers whether they were casting their votes, that they told him that no arrangement was made for the poll and that they did not know whether to cast their votes. There was no cross-examination worth the name on the above evidence. He is an independent witness. P.W. 18 (Yarmo) is a teacher in the L.P. School in Lakhamei. He is a resident of Ngari khullen. His evidence is that about 400 voters including himself assembled in the M.E. School but that no arrangement was made to take the poll and that they had decided previously to cast their votes in favour of the petitioner, but that they could not vote. The distance between Lakhamei and Ngari khullen is about 5 miles. He stated in the cross-examination that the headman announced that there would be danger to the polling officers and the voters if the poll was taken but that he did not know which polling officer told the headman about the danger. Again, he stated that he heard some polling officers telling the headman about the danger. So, his evidence also shows that the polling officers were responsible for not making any arrangement for the poll. P.W. 19 (Samsak) is the son of the headman of Ngari khullen. He corroborated the evidence of P.W. 11 (Raisu) and stated that his villagers also resolved to cast their votes in favour of the petitioner, but that they could not cast their votes as no arrangement for polls was made. He is also an independent witness. As against their evidence, there is the evidence of R.W. 8 (L. Birendra Kumar Singh) the same Presiding Officer, who gave evidence about the alleged polling station in Lakhamei. His evidence is not at all believable.

36. The petitioner mentioned in his petition some more places in which no arrangement was said to have been made for taking the polls. But, he did not lead evidence about those stations.

37. The 4th contention of the petitioner's counsel is that though according to the notification the polling hours were fixed under section 56 of the Act of 1951 as 7-30 a.m. to 4-30 p.m., these timings were not observed by the polling officers there is every probability of the polling having failed to observe the timings in the six polling stations mentioned above where there was firing. But as admitted by the petitioner's counsel himself, the evidence about the timings regarding the polls in these stations is meagre. There is however strong evidence to show that the timings were not observed in the polling station in the Dak Bungalow in Karong. The evidence of P.Ws. 22 and 23 (Taluba and Salu) is that the Dak Bungalow in Karong was fixed as the polling station, that in the earlier part of the day there was a news that the hostile Nagas held out a threat on the previous day that therefore, the villagers did not come out but that later on they heard that the voters of the other villagers were casting their votes, that therefore about 300 voters gathered in the polling station at about 3-00 p.m. but that the polling officers left the booth even at about 2-00 p.m. and that, therefore they could not cast their votes. Both of them are independent witnesses. Their evidence show that there were some security forces in the Dak Bungalow and that the polling officers went away at about 2-00 p.m. As against their evidence, there is evidence of R.W. 5 (Helkhoran) a resident of Karong. It is his evidence that the polling officers stayed in one of the rooms in the Dak Bungalow, that they waited for the voters from 7-00 a.m. till the dusk but that 4 or 5 days prior to the polling day, there was a threat by the Naga hostiles that if any one voted he would be driven out of the village that, therefore, only one Nepali cast his vote and that the Polling Officers left the Dak Bungalow 4 days after the election was over. In the cross-examination, he stated that he stayed in the Dak Bungalow for a short while and returned home, that he continued to stay away in his house, that the Dak Bungalow for a short while and returned home, that he continued to stay away in his house, that the Dak Bungalow faces north while his house faces east, that his courtyard is to the east of his house, that there is a house of Muhori to the south of his house and that there are 3 houses of Mao people to the north of his house. According to him, he was sitting in a chair in his courtyard now and then and watching. He denied that about 300 voters came to cast their votes at 3-00 p.m. in the Dak Bungalow but that the polling party left the Dak Bungalow at about 2-30 p.m. From the description of the location of his house with reference to the Dak Bungalow, it is clear that he could not have seen what was happening in the Dak Bungalow. There is no reason why the evidence of P.Ws. 22 and 23 (Taluba and Salu) should be disbelieved. If the polls are not taken within the scheduled hours, the election is liable to be set aside, if the result of the successful candidate is materially affected. Vide page 27 of Election Law and Practice by D.D. Chawla-1967 edition and also *Sudhansu Sekhar versus Satyandra Nath* (IV E.L.R. 13) and *Kandasami Kandar versus Subramania Goundar and others* (V.E.L.R.

156) So, the election of the first respondent is liable to be set aside on this ground also, if his election was materially affected thereby.

38 The next material question for determination is whether the election of the first respondent was materially affected within the meaning of section 100(i)(d)(iv) of the Act of 1951 on account of non-compliance with the provisions of the Act and the Rules of 1961, namely sections 25 and 57 of the Act of 1951 and Rule 49 of the Rules of 1961 discussed above. The contention of the first respondent is that the burden lies on the petitioner to show that the election of the first respondent was materially affected and relied on *Vashist Narain Sharma versus Dev Chandra and others* (AIR 1954 Supreme Court, 513) and *Hari Vishnu Kamath versus Ahmed Isaac and others* (AIR 1955 Supreme Court 213). But in dealing with this question it is necessary to tabulate the result of the rolls with reference to Exts. A/17 and A/19 in the 4 booths which were changed and the six booths (of which one booth namely chandel is common) where there were firings and disturbances, two booths where no polling arrangements were made and one booth where the polling officers left the polling station before the scheduled time mentioned above.

Serial No.	Name of the polling station (as notified)	No. of voters attached to the station	No. of votes actually cast
1.	Tungam Khullen High School	1242	522
2.	Chandel Junior Basic School	1069	172
3.	Purum Pantha L. P. School	654	338
4.	Litan L. P. School	419	347
5.	Tounokpi M. E. School	584	128
6.	Chakpikarong M. E. School	715	67
7.	Bolvang Tampak L. P. School	868	249
8.	Oklu L. P. School	725	17
9.	Larong Khullen I. B. School	581	53
10.	Lakhamei M. E. School	665	..
11.	Ngari Khullen M. E. School	564	..
12.	Karong Dak Bungalow	513	1
		8629	1894

Thus out of 8629 voters in the 12 polling stations only 1894 voters voted and 6735 could not vote on account of the above-mentioned illegalities and irregularities due to non-compliance with the provisions of the Act of 1951 and the Rules of 1961. The petitioner secured 28862 votes, while the first respondent secured 30403 votes on the whole. The difference between their votes is 1541. In *Vashist Narain Sharma versus Dev Chandra and others* (AIR 1954 Supreme Court, 513), it was held that the words the "result of the election has been materially affected" indicated that the result should not be indeed by the mere increase or decrease in the total number of votes secured by the returned candidate, but by proof of the fact that the "wasted" votes would have been distributed in such a manner between the contesting candidates as would have brought about the defect of the returned candidate. The burden of proof is not stationary. As both the parties let in evidence the question of burden of proof is not of much value. Vide *Maulana Abdul Jalil versus Rahindra* (XIII E.L.R. 290). It has to be judged whether there was any reasonable chance for the petitioner to succeed after the rolls were taken according to the Act of 1951 and the Rules of 1961. There is the evidence of a host of witnesses, namely P.Ws. 6 to 8 (A. Sosow, Hepusani and Yudu Jaw) relating to Tungam Khullen polling station, P.Ws. 4 and 5 (Belhung and Lartin) relating to Chandel polling station, P.W. 12 (Kundojao Chothe) relating to Purum Pantha polling station, P.Ws. 26 and 28 (Runghring and Ch. Mordant Anal) relating to Tounokpi polling station, P.Ws. 24 and 25 (Th. Wansol and Thomsin) relating to Chakpi Karong polling station, P.Ws. 27 and 28 (K. Tushung Anal and Ch. Mordant Anal) relating to Bolvang Tampak polling station, P.Ws. 9 and 10 (Tolhung and S.T. Mohlung) relating to Oklu polling station, P.Ws. 14 and 15 (Soso and Sano) relating to Lakhamei polling station and P.Ws. 18 and 19 (Yarmo and Samsak) relating to Ngari Khullen polling station that the voters of their villagers had previously decided to cast

their votes *en bloc* in favour of the petitioner. It is not necessary to examine all the remaining 6733 voters to show that all of them intended to vote for the petitioner. The evidence adduced shows sufficiently that a large number of voters intended to vote in favour of the petitioner but that they could not do so on account of the circumstances mentioned above. So, there is proof that the votes would have been distributed in such a manner between the other contesting candidate and the first respondent that they might have brought about his defeat, if the polls were properly taken. A decision much akin to the facts of the present case is found in *Tazuddin Ahmed versus Dhaniram Talukdar* (A.I.R. 1959 Assam, 128). In that case also the notified polling stations were shifted, as a consequence of which there was non-compliance with the provisions of sections 25 and 57 of the Act of 1951. It was held that it was not essential for the unsuccessful candidate to have produced actually a large number of voters to depose that they were prevented from casting their votes on account of the change. It was also held that if the petitioner produced witnesses, who deposed that due to the change of the centre at the last moment they were prevented from casting their votes and that a large number of other persons could not do so, there was no guarantee that the other voters might not have been prevented from casting their votes due to the change, though, the witnesses who deposed, might not have actually seen them going back without casting their votes. It was further held that it was quite possible that a large number of other voters were equally misled, as the persons who had actually come to the witness box and deposed about it. The decisions of the Supreme Court in *Vashist Narain Sharma versus Dev Chandra and others* (A.I.R. 1954 Supreme Court, 313) and *Hari Vishnu Karnath versus Ahmed Ishaque and others* (A.I.R. 1955 Supreme Court, 233) were also referred to. So, I find that on account of unauthorised change of the four notified polling stations at the last moment, disturbances of poll in the six polling stations including a common one, failure to make arrangements for poll in the two polling stations and the laches on the part of the polling officers in leaving the polling station before the scheduled time mentioned *supra*, the election of the first respondent was held contrary to the provisions of sections 25 and 57 of the Act of 1951 and R. 49 of the Rules of 1961, that it was materially affected and that it is liable to be set aside under section 100(d)(iv) of the Act of 1951.

39. For the above reasons, I find issue No. 4 in the affirmative. I find on issue 5 that the polling station in the Dak Bungalow in Karong did not function according to the scheduled time. I find on issue 6 that no polling arrangements were made in Lakhamel M.E. School and Ngari Khullen M.E. School polling stations. I find issue 7 in the affirmative.

40. Issue No. 10.—Unless the polls are properly taken in the afore-mentioned 12 polling stations specified in para 36 *supra* namely Tungam Khullen, Chandel, Purum Pantha Litan, Toupokoi Chakpi Karong, Bolyang Tampak, Oklu, Jarongkhullen Lakhamel Ngari Khullen and Karong, the petitioner cannot be declared to have been duly elected. But, a declaration that the election of the first respondent is void has to be made.

41. In the result, it is hereby declared that the election of the first respondent to the Outer-Manipur Parliamentary Constituency of the House of the People is void. Fresh polls have to be taken in the afore-mentioned 12 polling stations. The petition is accordingly allowed. In as much as the first respondent cannot be blamed for the illegalities and irregularities committed by the Election Officers and in as much as there is no allegation of any corrupt practice against him, I direct the parties to bear their own respective costs.

Dictated to the Shorthand writer transcribed by him, corrected by me and pronounced in the open Court, this 10th day of January, 1968.

(Sd.) C. JAGANNADHACHARYULU,
Judicial Commissioner.

[No. 82/MR/2/67.]

By Order,

A. N. SEN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 29th February 1968

S.O. 821.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with

the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1965, namely :—

1. (1) These rules may be called the Central Civil Services (Classification, Control and Appeal) Amendment Rules, 1968.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In sub-rule (1) of rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, after clause (a), the following clause shall be inserted, namely :—

“(aa) where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or”.

[No. 7/1/67-Ests(A).]

P. S. VENKATESWARAN, Under Secy.

New Delhi, the 1st March 1968

S.O. 822.—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri K. Ramaswamy Advocate, Madras, as Public Prosecutor for the conduct of case RC 37/65/EOW/Madras against Shri K. V. Sundaravelu and 4 others in the Court of Presidency Magistrate, Madras, or any other court subordinate to it

[No 225/8/68-AVD.II.]

A. P. VEERA RAGHAVAN, Dy Secy

New Delhi, the 1st March 1968

S.O. 823.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrator of the Union territory of Delhi shall, subject to the control of the President and until further orders, also exercise the powers of the State Government under the first proviso to sub-section (1) of section 5A of the Prevention of Corruption Act, 1947 (2 of 1947), within that Union territory.

[No. F. 2/2/68-UTL.]

P. N. KAUL, Dy. Secy.

New Delhi, the 2nd March 1968

S.O. 824.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Manipur Employees Revision of pay) Rules, 1966.

2. These rules may be called the Manipur Employees (Revision of pay) Amendment Rules, 1968.

3. In Schedule to the Manipur Employees (Revision of pay) Rules, 1966:—

Under the heading Education Department for the existing entries against item No. 37 the following entries shall be inserted under columns 1, 2, 3 and 4 respectively :—

37. Cinema Operator 80—5—90—Con—5—100—EB—5—120
125—4—145—EB—4—165—EB—5—200.

[No. 1/16/65-HMT.]

R. C. JAIN, Dy. Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)
New Delhi, the 28th February 1968

S.O. 825—Statement of the Affairs of the Reserve Bank of India, as on the 23rd February 1968.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	30,93,86,000
		Rupee Coin	3,89,000
Reserve Fund	80,00,00,000	Small Coin	2,84,000
		Bills Purchased and Discounted:—	
National Agricultural Credit (Long Term Operations) Fund .	131,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	255,70,60,000
National Agricultural Credit (Stabilisation) Fund	25,00,00,000	Balances Held Abroad*	137,14,66,000
		Investments**	124,19,38,000
		Loans and Advances to:—	
National Industrial Credit (Long Term Operations) Fund .	30,00,00,000	(i) Central Government . . . . .	..
		(ii) State Governments@	80,80,29,000
Deposits:—		Loans and Advances to:—	
(a) Government—		(i) Scheduled Commercial Banks†	17,26,52,000
(i) Central Government	60,43,69,000	(ii) State Co-operative Banks‡	194,94,12,000
(ii) State Governments	12,38,62,000	(iii) Others	2,57,30,000

LIABILITIES	Rs.	ASSETS	Rs.
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
		(a) Loans and Advances to :—	
(b) Banks—		(i) State Governments	27,53,09,000
(i) Scheduled Commercial Banks	124,76,43,000	(ii) State Co-operative Banks	12,74,77,000
(ii) Scheduled State Co-operative Banks	5,60,53,000	(iii) Central Land Mortgage Banks . . . . .	..
(iii) Non-Scheduled State Co-operative Banks	79,00,000	(b) Investment in Central Land Mortgage Bank Debentures	7,89,36,000
(iv) Other Banks	3,73,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
(c) Others	355,75,65,000	Loans and Advances to State Co-operative Banks	7,75,67,000
Bills Payable	30,58,92,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
Other Liabilities	98,76,18,000	(a) Loans and Advances to the Development Bank	5,97,38,000
		(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
		Other Assets	54,59,02,000
Rupees	960,12,75,000	Rupees	960,12,75,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary over drafts to State Governments.

† Includes Rs. 8,31,17,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 28th day of February, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 23rd day of February 1968.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department .	30,93,86,000		Gold Coin and Bullion :—		
Notes in circulation	3130,57,79,000		(a) Held in India	115,89,25,000	
Total Notes issued		3161,51,65,000	(b) Held outside India . . . . .	..
			Foreign Securities	166,42,00,000	
			TOTAL		282,31,25,000
			Rupee Coin		78,94,27,000
			Government of India Rupee Securities		2800,26,13,000
			Internal Bills of Exchange and other Commercial paper		
TOTAL LIABILITIES		3161,51,65,000	TOTAL ASSETS		3161,51,65,000

Dated the 28th day of February 1968.

B. N. ADARKAR,
Dy. Governor.

[No F. 3(3)-BC/68.1

V. SWAMINATHAN, Under Secy.

(Department of Revenue and Insurance)

ESTATE DUTY

New Delhi, the 24th February 1968

S.O. 826.—In exercise of the powers conferred by sub-section (2A) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri S. G. Jaisinghani, Assistant Commissioner of Income-tax as an Appellate Controller of Estate Duty with headquarters at Calcutta and makes the following amendment in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-E.D., dated 22nd May, 1964, namely:—

in the Schedule to the said notification, for the entry,

"2. Shri G. B. Seth, Assistant Commissioner of Income-tax, Calcutta"

the following entry shall be substituted, namely:—

"2. Shri S. G. Jaisinghani, Assistant Commissioner of Income-tax, Calcutta."

2. This notification shall be deemed to have come into force on the forenoon of the 27th day of October, 1967.

[No. 5/F. No. 1/9/67-E.D.]

S.O. 827.—In exercise of the powers conferred by sub-section (2A) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri A. K. Sarkar, Assistant Commissioner of Income-tax as an Appellate Controller of Estate Duty with headquarters at Calcutta and makes the following amendment in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-E.D., dated 22nd May, 1964, namely:—

in the Schedule to the said notification, for the entry,

"2. Shri S. G. Jaisinghani, Assistant Commissioner of Income-tax"

the following entry shall be substituted, namely:—

"2. Shri A. K. Sarkar, Assistant Commissioner of Income-tax."

2. This notification shall be deemed to have come into force on the afternoon of 8th day of December, 1967.

[No. 7/F. No. 1/9/67-E.D.]

S.O. 828.—In exercise of the powers conferred by sub-section (2A) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri S. G. Jaisinghani, Assistant Commissioner of Income-tax as an Appellate Controller of Estate Duty with headquarters at Calcutta and makes the following amendment in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-E.D., dated 22nd May, 1964, namely:—

in the Schedule to the said notification, for the entry,

"2. Shri A. K. Sarkar, Assistant Commissioner of Income-tax".

the following entry shall be substituted namely:—

"2. Shri S. G. Jaisinghani, Assistant Commissioner of Income-tax."

2. This notification shall be deemed to have come into force on the forenoon of the 18th day of December, 1967.

[No. 9/F. No. 1/9/67-E.D.]

New Delhi, the 27th February 1968

S.O. 829.—The Central Government hereby renews the appointment of the undermentioned Valuers whose names were previously published as S.O. 1352 in Part II, Section 3(ii) of the Gazette of India, dated 15th May, 1965, for a further period of five years with effect from 7th February, 1968.

2. The scale of charges for the remuneration of Valuers appointed by the Central Government for valuing any property shall be as fixed below and no such Valuer shall charge a fee at a scale higher than the scale so fixed :

Provided that where two or more properties are required to be valued :—

- (i) by a Committee of Arbitration or by a third Valuer in pursuance of a single order, or
- (ii) by a Valuer, in pursuance of a single reference made by a Controller of Estate Duty or at the instance of an accountable person.

all such properties shall be deemed to constitute a single unit of property for the purposes of fixing the fee payable to the Committee or the Valuer, as the case may be :

Provided further that where the same property or properties, required to be valued by the same Committee of Arbitration or, as the case may be, by the same Valuer, is or are common to more than one case and the valuation relates to the same date, the Committee of Arbitration or the Valuer shall be entitled to charge fees at the scale fixed below only in one case and in the remaining case or cases the said Committee of Arbitration or Valuer shall be entitled to charge fees not exceeding rupees one hundred per case.

Scale of Charges

On the first Rs. 50,000 of the property	..	1% of the value
On the next Rs. 1,00,000 of the property so valued	..	1% of the value
On the balance of property so valued	..	1% of the value

3. Notwithstanding anything contained in paragraph 2, the remuneration payable to a Valuer shall in no case be less than Rs. 50 (Rupees fifty).

APPENDIX

Serial No.	Name	Address
1	2	3

I—Engineers/Surveyors/Architects

1. Shri Crawford, Pheroze D., G.D. (Arch.), F.I.I.A. Advani Chambers, Sir P. Mehta Road, Fort, Bombay-1.
Shri K. C. Gandhi, B.Sc., B.E. (Civil). Jehangir Wadia Building, 19 Floor, 51, Mahatma Gandhi Road, Fort, Bombay.
3. Shri Kothari, L.P., B.E., A.M.I.E., M.E.A.M.E.E.T. 14-B, S. V. Road, Santa Cruz West, Bombay-54.
4. Shri Rawal, P.A., B.E. (Civil), A.M.I.E. C/o Messrs. P. A. Rawa Outside Prem Gate, Opposite Flour Mills, Ahmedabad-2.
5. Shri Bhalla, J.R., F.R.I.B.A., F.I.I.A., F.V.I., M.R.S.II. 18/90, Connaught Circus, New Delhi-1.
6. Shri Bhagyam, G.D., M.I.S. C/o Gammon India Ltd., Gammon House, Prabadev Cadell Road, Bombay-28.
7. Shri Seshavatharam, C., B.E., C.E. (Hons), M.A.M. S.C.E., M.I.E. (Ind.) 1-2-412/19, Gaganmahal Co-op Colony, Hyderabad-29.

Serial No.	Name	Address
1	2	3

<i>II—Accountants</i>		
1. Shri Saha, G., F.C.A.		C/o M/s. Ray & Ray, Chartered Accountants, 6, Church Lane, Calcutta-1.

III—Specialists in Jewellery, Precious Stones and Ornaments

1. Shri Agnihotri, Sheo Swaroop		C/o M/s. Society Jewellers, Birhana Road, Kanpur.
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[No. 11/F. No. 5/94/67-E.D.]

E. K. LYALL, Dy. Secy.

(Department of Revenue and Insurance)**CUSTOMS***New Delhi, the 9th March 1968*

S.O. 830.—In exercise of the powers conferred by sub-section (1) of section 4 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints the Collector of Customs, Bombay, to be the Collector of Customs, and the Assistant Collector of Customs, Bombay to be the Assistant Collector of Customs, for the purposes of all Warehouses situated in the Warehousing station of Thana taluka, in the district of Thana, in the State of Maharashtra.

[No. 42/68-Customs/F. No. 3/11/68-Cus. VII.]

M S. SUBRAMANYAM, Under Secy

CENTRAL BOARD OF DIRECT TAXES**ESTATE DUTY***New Delhi, the 24th February 1968*

S.O. 831.—In exercise of the powers conferred by sub-section (2A) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of its notification No. 24/F. No. 1/9/67-E.D., dated the 20th December, 1967 published as S.O. 124 in Part II, Section 3(ii) of the Gazette of India, dated the 13th January, 1968, the Central Board of Direct Taxes hereby directs that Shri S. G. Jaisinghani an Assistant Commissioner of Income-tax, appointed to be an Appellate Controller of Estate Duty by the notification of the Government of India, Ministry of Finance (Department of Revenue and Insurance) No. 5/F. No. 1/9/67-ED, dated the 24th February, 1968 shall perform the functions of an Appellate Controller of Estate Duty in respect of—

- (a) the estates of deceased persons assessed to estate duty on or after the 1st July, 1960, by an Assistant Controller of Estate Duty, and
- (b) the estates of deceased persons in relation to which an appeal lies under section 62 of the Estate Duty Act, 1953, against an order passed on or after the 1st July, 1960, by an Assistant Controller of Estate Duty,

where such Assistant Controller has in exercise of his functions under the Estate Duty Act, 1953, made such assessments or passed such orders—

(i) in any area comprised within the jurisdictions of the Commissioners of Income-tax mentioned below:—

- Commissioner of Income-tax, West Bengal-I,
- Commissioner of Income-tax, West Bengal-II,
- Commissioner of Income-tax, West Bengal-III,
- Commissioner of Income-tax, Assam, Nagaland, Tripura and Manipur; and
- Commissioner of Income-tax, Bihar & Orissa;

(ii) in respect of any of the estates of the deceased persons who were being assessed to Income-tax in the jurisdiction of the Commissioner of Income-tax (Central), Calcutta.

2. This notification shall be deemed to have come into force on the forenoon of 27th day of October, 1967.

[No. 6/F. No. 1/9/67-E.D.]

S.O. 832.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of its notification No. 6/F. No. 1/9/67-E.D., dated the 24th February, 1968, the Central Board of Direct Taxes hereby directs that Shri A. K. Sarkar an Assistant Commissioner of Income-tax, appointed to be an Appellate Controller of Estate Duty by the notification of the Government of India, Ministry of Finance (Department of Revenue & Insurance) No. 7/F. No. 1/9/67-E.D., dated the 24th February, 1968 shall perform the functions of an Appellate Controller of Estate Duty in respect of—

- (a) the estates of deceased persons assessed to estate duty on or after the 1st July, 1960, by an Assistant Controller of Estate Duty, and
- (b) the estates of deceased persons in relation to which an appeal lies under section 62 of the Estate Duty Act, 1953, against an order passed on or after the 1st July, 1960, by an Assistant Controller of Estate Duty,

where such Assistant Controller has in exercise of his functions under the Estate Duty Act, 1953, made such assessments or passed such orders—

(i) in any area comprised within the jurisdictions of the Commissioners of Income-tax mentioned below:—

- Commissioner of Income-tax, West Bengal-I,
- Commissioner of Income-tax, West Bengal-II,
- Commissioner of Income-tax, West Bengal-III,
- Commissioner of Income-tax, Assam, Nagaland, Tripura and Manipur, and
- Commissioner of Income-tax, Bihar and Orissa;

(ii) in respect of any of the estates of the deceased persons who were being assessed to income-tax in the jurisdiction of the Commissioner of Income-tax (Central), Calcutta.

2. This notification shall be deemed to have come into force on the afternoon of 8th day of December, 1967.

[No. 8/F. No. 1/9/67-ED.]

S.O. 833.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of its notification No. 6/F. No. 1/9/67-E.D., dated the 24th February, 1968 the Central Board of Direct Taxes hereby directs that Shri S. G. Jaisingham an Assistant Commissioner of Income-tax, appointed to be an Appellate Controller of Estate Duty by the notification of the Government of India, Ministry of Finance (Department of Revenue and Insurance) No. 9/F. No. 1/9/67-E.D., dated the 24th February, 1968 shall perform the functions of an Appellate Controller of Estate Duty in respect of—

- (a) the estates of deceased persons assessed to estate duty on or after the 1st July, 1960, by an Assistant Controller of Estate Duty, and
- (b) the estates of deceased persons in relation to which an appeal lies under section 62 of the Estate Duty Act, 1953, against an order passed

on or after the 1st July, 1960, by an Assistant Controller of Estate Duty,

where such Assistant Controller has in exercise of his functions under the Estate Duty Act, 1953, made such assessments or passed such orders—

(i) in any area comprised within the jurisdictions of the Commissioners of Income-tax mentioned below :—

Commissioner of Income-tax West Bengal-I,
Commissioner of Income-tax, West Bengal-II
Commissioner of Income-tax, West Bengal-III,
Commissioner of Income-tax, Assam, Nagaland, Tripura and Manipur and
Commissioner of Income-tax, Bihar and Orissa;

(ii) in respect of any of the estates of the deceased persons who were being assessed to income-tax in the jurisdiction of the Commissioner of Income-tax (Central), Calcutta.

2. This notification shall be deemed to have come into force on the forenoon of the 18th day of December, 1967.

[No. 10/F. No. 1/8/67-E.D.]

E. K. LYALL, Secy.

INCOME-TAX

New Delhi, the 1st March 1968

S.O. 834.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule annexed to its Notification No. 1 (F. No. 55/233/63-IT), dated the 18th May, 1964 :—

In the said Schedule against Serial No. 41(c), for existing entries in Columns 3 and 4, the following entries shall be substituted :

Col. 3 "Income-tax Officer, A-Ward, Jhansi".

Col. 4 "Inspecting Assistant Commissioner of Income-tax, B-Range, Kanpur".

[No. 3-F. No. 55/129/67-IT.]

A. RAGHAVENDRA RAO, Under Secy.

INCOME-TAX

New Delhi, the 1st March 1968

S.O. 835.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961), and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following further amendments in the schedule appended to its Notification No. 107 (F. No. 50/5/66-IT), dated the 27th October, 1966, namely :—

In the said Schedule against A-Range, Patiala and Ludhiana Range, Ludhiana, under column 2 the following entries shall be substituted, namely :—

A-Range, Patiala

1. All Income-tax Circles, Wards or Districts having headquarters at :

(i) Sangrur

(ii) Sirsa

(iii) Jind

(iv) Chandigarh

2. Companies Circle, Patiala

3. B-Ward, Patiala

4. Additional B-Ward, Patiala

5. C-Ward, Patiala

6. Special Survey Circle, Patiala (in respect of persons who have their principal place of business in or reside in the jurisdiction of Income-tax Officers, Sangrur, Sirsa, Jind, Chandigarh, Companies Circle, Patiala, B-Ward, Patiala and C-Ward, (Patiala).

- Ludhiana Range, Ludhiana 1. All Income-tax Circles, Wards and Districts having headquarters at:
- (i) Ludhiana except Central Circle, Ludhiana.
 - (ii) Moga
 - (iii) Ferozepur
 - (iv) Khanna.
- 2 Special Survey Circle, Amritsar (in respect of persons who have their principal place of business in or reside in the jurisdiction of Income-tax Officers Ludhiana, Khanna, Moga and Ferozepur).

This notification shall take effect from 1st March 1968.

Explanatory Note.

The amendment has become necessary on account of the reorganisation of the jurisdiction of A.A.Cs. A-Range, Patiala and Ludhiana.

(The above note does not form part of the notification, but is intended to be merely clarificatory).

[No. 12-F. No. 50/10/68-ITJ.]

P. G. GANDHI, Under Secy.

CENTRAL EXCISE COLLECTORATE, DELHI

CENTRAL EXCISES

New Delhi, the 25th February 1968

Corrigendum to this Collectorate Notification No. 5/67-Central Excises)

S.O. 836.—The words "Junior (up-graded)" appearing in column (2) of the table appended to this Collectorate Notification No. 5/67-Central Excises, published under S.O. No. 2786 dated 19th August 1967 on page 2878 of the Gazette of India, Part II, Section (3), Sub-Section (ii) shall be omitted.

Proviso to the above Notification shall also be omitted.

[No. 3/68.]

R. PRASAD, Collector.

MINISTRY OF COMMERCE

(Office of the Jt. Chief Controller of Imports & Exports)

ORDER

New Delhi, the 23rd December 1967

S.O. 837.—A licence No P/SS/1575322/C, dated 23rd June, 1967, of the value of Rs. 16,937 for import of Copper and Zinc was issued to M/s. Industrial Enterprises, 9/1, Industrial Estate, Patna-13, Bihar subject to the conditions as under.—

- (a) All items of goods imported under it shall be used only in the licence holders' factory and no portion thereof will be sold to or be permitted to be utilised by any other party.

2. Thereafter, a show cause notice No. 128/67/E&L, dated 18th October, 1967 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that there is no existence of the firm at the address given in their application and as such the licence in question was obtained by mis-representation of facts in terms of Clause 9, sub-clause (a).

3. The said show cause notice addressed to M/s. Industrial Enterprises, 9/1, Industrial Estate, Patna-13, Bihar has been returned undelivered by the Postal Authority.

4. The undersigned has carefully examined the case and has come to the conclusion that there is no existence of the firm of the address given in their application and as such the licence in question was obtained by mis-representation of fact.

5. Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (a) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1575322/C/XX/23/C/C/23-24/NF dated 23rd June, 1967, for Rs. 16,937 issued in favour of M/s. Industrial Enterprises 3/1, Industrial Estate, Patna-13, Bihar.

[No. 128/67/E&L.]

J. MUKHERJI,

Dy. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 9th March 1968

S.O. 838.—M/s. Holman Climax Manufacturing Ltd., Titaghur, were granted Import Licence No. P/RM/2152129/C/XX/23/CH/23-24/RM/IV dated 6th August, 1966 for a value of Rs. 2,91,000/- for the Import of finished components from G.C.A. They have applied for the issue of duplicate copy of customs purposes copy of the said licence on the ground that the original licence has been lost or misplaced. It is further stated that the original licence was registered with the Calcutta port and utilised to the extent of Rs. 29,307/- leaving a balance of Rs. 2,61,693/-.

In support of this contention, the applicant has filed an affidavit—I am satisfied that original customs copy of the licence No. P/RM/2152129/C/XX/23/CH/23-24/RM/4 dated 6th August, 1966 has been lost or misplaced and direct that a duplicate licence customs copy should be issued in the applicant. The original licence/the customs copy is cancelled.

[No. Auto/H/9/66-67/RM, IV-120.]

S.O. 839.—M/s Upper India Bearings Private Ltd., Madras were granted Licence No. P/RM/2159734/R/WG/25/CH/23-24/Commodity Credit from West Germany Supplementary/Dated 20th May, 1967 for Import of Raw Materials valued at Rs. 2,00,000/-. They have requested for the issue of Duplicate copy of the licence for Customs Purposes on the ground that the Original Customs Purposes copy of the licence has been lost by them. It has been further reported by the licensee that the Customs Purposes copy of the Original licence has been lost by them without being utilised and registered with any customs authorities.

In support of their contention the applicant have filed an affidavit. The undersigned is satisfied, that the Original Customs Purposes copy of the Licence No. P/RM/2159734/R/WG/25/CH/23-24 dated 20th May, 1967 has been lost and directs that a Duplicate Customs Purposes copy of the said licence should be issued to them. The original customs purposes copy is cancelled.

[No. Auto/U/47/66 67/RM/IV.]

S.O. 840.—M/s. Mansfield Oil Gas Co. Ltd. Calcutta were granted a licence No P/RM/2149265/C dated 22nd May, 1966, under Free resources for the import of Instruments & Apparatus & Precision & Measuring Tools as per lists worth Rs. 5,000/-. They have requested for issue of duplicate copy of the licence for exchange control purposes on the ground that original exchange control copy has been misplaced without having registered with any authority and utilised at all. Duplicate copy has been asked for full value.

In support of their request the party have furnished an affidavit. The undersigned is satisfied that the original exchange control copy of the import licence No. P/RM/2149265/C/XX/23/C/H/21-22 dated 22nd May, 1966, has been misplaced and directs that a duplicate exchange control copy of the said licence should be issued to them. The original exchange control copy is cancelled.

[No. Mach M(ii)/A.M.66/RM-4.]

P. C. VERMA,

Deputy Chief Controller of Imports & Exports.

MINISTRY OF PETROLEUM & CHEMICALS

(Department of Petroleum)

New Delhi, the 24th February 1968

S.O. 841—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the drill sites to Collecting stations within the Ankleshwar Oil Field in Gujarat State, Pipeline should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum Pipeline (Acquisition of Right of User in land) Act, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipeline under this land to the Competent Authority at Elempeeco, 4th floor, Sayaji Ganj, Lokmanya Tilak Road, Baroda in the office of the Gujarat Pipelines Project (Oil and Natural Gas Commission). Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State : Gujarat

Dist. : Broach

Taluka : Ankleshwar

Village	Survey No.	Area acquired		P. Arc
		Hector	Arc	
Umarwada	297	0	12	14
„	206/1	0	20	23

[No. 31/67/63-Prod/1 O C]

New Delhi, the 28th February 1968

S.O. 842—Whereas it appears to the Central Government that it is necessary in the public interest that the transport of Petroleum from the drill sites well No. 86 to G.G.S. 7 in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempeeco, 4th floor, Sayaji Gunj, Opp, College, Lokmanya Tilak Road, Baroda-5 in the office of the Gujarat Pipelines Project (Oil and Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE*Ahmedabad Project*

(For laying pipeline from 86 to GGI).

State : Gujarat

District : Gandhinagar

Taluka : Gandhinagar

Village	Survey No.	Hector Arc.		P. Arc
		Hector	Arc	
Sertha	1131	0	3	24
„	1132/A	0	7	18

Village	Survey No.	Hector Are.	P. Arc.
Sertha	1134/1	0 0	66
"	1133/2	0 4	15
"	1133/3B	0 3	4
"	1133/3A	0 2	92
"	1133/1	0 1	41
"	1139	0 1	41
"	1144	0 8	79
"	1422	0 1	1
"	1143/1A	0 6	47
"	1143/1B		
"	1143/2A	0 9	61
"	1143/2B		
"	National Highway Road		
"	1059	0 3	54
"	1058/3A	0 2	72
"	or 1058/3B		
"	1058/2	0 9	31
"	1057	0 1	1
"	1056/2/4	0 5	56
"	1056/2/5	0 4	65
"	1066/1	0 2	12
"	1056/2/5	0 4	35
"	1056/2/8	0 8	69
"	1056/2/8	0 8	89
"	1037/3	0 7	18

[No. F. 28/2/68-IOC(a).]

S.O. 843.—Whereas it appears to the Central Government that it is necessary in the public interest that the transport of Petroleum from the drill sites well No. 85 to G.G.S. IV in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of user in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the Pipelines under the land to the Competent Authority, at Elempeeco, 4th floor, Sayaji Gunj, Opp., College, Lokmanya Tilak Road, Baroda-5 in the Office of the Gujarat Pipelines Project (Oil & Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Ahmedabad, Project

(For laying pipeline from Well No. 85 to GGS IV)

State : Gujarat		Distt : Mehsana		Taluka : Kalol	
Village	Survey No.	Hector Are.	P. Arc.		
Dhamasan	721/3	0 6	07		
"	721/2	0 8	69		
"	721/1	0 7	58		

Village	Survey No.	Hector Arc.	P. Arc.
Dhamasan	Cart Truck V.P.		
"	20/2B	0 13	35
"	820/2A	0 4	95
"	837/2	0 4	95
"	837/1	0 11	63
"	839	0 6	77
"	840	0 2	12

[No. 28/2/68/IOC(b).]

S.O. 844.—Whereas it appears to the Central Government that it is necessary in the public interest that the transport of petroleum from the drill sites well No. 12 to Well No. 87 in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user thereto.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempeeco, 4th floor, Sayaji Gunj, Opp., College, Lokmanya Tilak Road, Baroda-5 in the Office of the Gujarat Pipelines Project (Oil & Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Ahmedabad Project

(For laying pipelines from Well No. 12 to 87).

State : Gujarat

Distt. Gandhinagar:

Taluka: Gandhinagar

Village	Survey No.	Hector Arc.	P. Arc.
Sartha	1073		
"	1072/1	0 4	75
"	1072/2	0 4	65
"	1071/1	0 9	61
"	1070/1	0 4	45
"	1070/2	0 4	5
"	1068	0 7	88
"	1067/2/B	0 3	74
"	1027/2	0 1	1
"	1027/1	0 6	87
"	1028/2	0 5	56
"	1028/1	0 3	74
"	1037/1	0 6	27
"	1037/2	0 1	1
"	1036/2	0 2	22

[No. F. 28/2/68/IOC(c).]

S.O. 845.—Whereas it appears to the Central Government that it is necessary in the public interest that the transportation of Petroleum from the drill sites well No. 89 to G.G.S. I in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2 Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3 Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempeeco, 4th Floor, Sayaji Gunj, Opposite College, Lokmanya Tilak Road, Baroda-5 in the Office of the Gujarat Pipelines Project (Oil & Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Ahmedabad Project

(For laying of pipeline from Well No. 87 to GGS I)

State : Gujarat

Distt: Gandhinagar

Taluka : Gandhinagar

Village	S. No.	Hector	Are	P. Are
Sertna	1038/2B.	0	2	42
"	1038	0	6	87
"	1038	0	5	76
"	1038/2A	0	2	22
"	1039/1	0	6	67
"	1040	0	13	15
"	Cart Truck	0	2	12
"	751	0	4	15
"	1042	0	1	1
"	750	0	8	59
"	749	0	13	15
"	719	0	61	50

[No. 28/2/68-IOC(d).]

New Delhi, the 1st March 1968

S.O. 846 —Whereas it appears to the Central Government that it is necessary in the public interest that the transport of Petroleum between the Gujarat Refinery, Baroda in Gujarat State to Aisud in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of user in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-section (i) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3 Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Elempeeco, 4th floor, Sayaji Gunj, Opp. College, Lokmanya Tilak Road, Baroda-5 in the Office of the Gujarat Pipelines Project (Oil and Natural Gas Commission) Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State : Gujarat

Distt. : Kaira

Tal : Anand

Village	S. No.	Hector	Are	Arc
Jol	816	0	3	78

[No. 31/41/64-Prod/IOC-Vol. 2.]

K. M. Vyas,
Asstt. Liaison Officer.

ERRATUM

New Delhi, the 27th February 1968

S.O. 847.—In the notification of Government of India in the Ministry of Petroleum & Chemicals S.O. No. 4022 dated 23rd December 1966 published in the Gazette of India Part II, Section 3, Sub-Section (ii) dated 31st December 1966.

I At page No. 3679 and at village Chalindra, Taluka Matar.

READ							FOR			
Survey No.	Acre	Guntha	Sq. yds.	Hec.	Are	P. Are	Survey No.	Acre	Guntha	A. P.
285/5	0	0	45	0	0	37	285/1 285/2 285/3 285/4 285/5 285/6	0	2	8 0
289	0	6	30	0	6	32	289	0	0	8 0
290/1 290/2	0	0	45	0	0	37	290/1 290/2	0	2	0 0
292/1	0	4	63	0	4	57	292/1	0	1	0 0
292/2 293	0	1 6	32 52	0	1 6	27 50	292/2 293	0	5	0 0
294/2	0	0	44	0	0	36	294/1 294/2 294/3	0	1	0 0

Omit Survey Nos. 284, 288/1 & 288/2.

II. At page No. 3678 and 3679 and at Village Navagam, Taluka Matar.

63	0	8	63	0	8	61	63	0	5	0 0
70	0	5	84	0	5	75	70	0	4	8 0
57/1	0	4	0	0	4	05	57/1 57/2	0	4	0 0
55/3/1	0	3	37	0	3	35	55/1 55/2 55/3/1 55/3/2	0	6	0 0
52	0	0	72	0	0	60	52	0	8	0 0
54/1 54/2	0	4	0	0	4	05	54/1 54/2	0	5	0 0
38/1	0	10	12	0	10	22	38/1 38/2	0	5	8 0
39 P Road	0	0	71	0	0	69	39	0	1	0 0
40	0	0	81	0	0	77	40	0	0	4 0
41P	0	11	67	0	11	77	41	0	8	8 0
692/2	0	5	17	0	5	20	692/1	0	6	0 0
740/2	0	5	62	0	5	57	740/1	0	7	0 0
740/3	0	6	74	0	6	68				
858/1	0	2	50	0	2	43	858/1 858/2	0	6	0 0
858/2	0	1	50	0	1	42	852/1			
852/2	0	5	0	0	5	06	852/2 853/3	0	7	0 0
852/3	0	2	0	0	2	02				

READ							FOR			
Survey No.	Acre	Guntha	Sq.yds.	Hec.	Arc.	P. Arc	Survey No.	Acre	Guntha	A.P.
1066/3 .	0	4	40	0	4	38	1066/1 .	0	6	8 0
1066/4 .	0	2	42	0	2	37	1066/2 .			
							1066/3 .			
							1066/4 .			
1056/2 .	0	1	0	0	1	01	1056/1 .	0	4	0 0
1056/3 .	0	0	36	0	0	30	1056/2 .			
1056/4 .	0	2	85	0	2	72				
1055/1 .	0	4	21	0	4	22	1055/1 .			
1055/2 .	0	0	100	0	0	80	1055/2 .	0	2	8 0
1053 .	0	6	38	0	6	38	1053 .			
999/1 .	0	3	15	0	3	16	999/2 .			
999/2 .	0	2	38	0	2	33				

Omit S. No. 47/1, 47/2, 49, 854, 1054/1, 1054/2, 1001/1, 1001/2.

III. At page No. 3680 and at Village Kathavada Taluka Matar.

304/2 .	0	4	0	0	4	05	304/1 .	0		0	0
							304/2 .				
303/9 .	0	2	11	0	2	11	303/8 .	4	30	8	0
							303/9 .				
303/10 .	0	7	117	0	7	105	303/10 .				
							303/11 .				
373/11 .	0	0	62	0	0	51	303/12 .				
							303/13 .				
							303/14 .				

Omit S. Nos. 303/1, 303/2, 303/3, 303/4, 303/5, 303/6, & 303/7.

[No. F. 25/1/66-Prod./I.O.C.]

P. P. GUPTA, Under Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 28th February 1968

S.O. 848/15/DRA/68.—Whereas the industrial undertaking known as **M/s. Rohtas Industries Limited**, Dalmianagar, District Shahabad, Bihar, has issued a closure notice in respect of their sugar factory and the Central Government is of opinion that there has been, or is likely to be, a substantial fall in the volume of production in respect of sugar manufactured in the said industrial undertaking for which, having regard to the conditions prevailing, there is no justification;

And whereas the Central Government is further of opinion that the said industrial undertaking is being managed in a manner highly detrimental to the scheduled industry and to public interest;

Now, therefore, in exercise of the powers conferred by section 15 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints, for the purpose of making a full and complete investigation into the circumstances of the case, a body of persons consisting of the following persons, namely:—

- (1) **Shri P. P. Dhir**, Chief Cost Accounts Officer, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food), New Delhi.—*Convenor.*

- (2) Shri N. S. Jain, Director (Sugar Technical), Directorate of Sugar and Vanaspati (Department of Food), New Delhi.—*Member*
- (3) Shri Jitendra Prasad, Cane Commissioner, Government of Bihar, Patna (Bihar)—*Member*.

[No. 9(3)/Lic. Pol /68]

R. SUBRAMANIAN, Under Secy

MINISTRY OF TRANSPORT & SHIPPING

(Transport Wing)

New Delhi, the 29th February 1968

S.O. 849—In pursuance of rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Calcutta) Rules, 1954, the Central Government hereby appoints a Seamen's Employment Board (Home Trade) at the port of Calcutta for a period of two years with effect from the date of publication of this notification in the Official Gazette consisting of the following members namely:—

Chairman

1. Deputy Director General of Shipping, in-charge of Seamen's Employment Offices.

Member-Secretary

2. Director, Seamen's Employment Office, Calcutta.

Members representing Shipowners

3. Shri M. K. Tanna
4. Capt C. G. Bhoot

Members representing Seamen

5. Shri Bijooy Kumar Mukerjee
6. Shri Subhrendu Chatterjee

[No. 15-MT(9)/67.]

K. V. SANKARAN, Dy. Secy.

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 24th February 1968

S.O. 850.—On transfer from the Ministry of Industrial Development and Company Affairs (Department of Company Affairs), the services of Shri S. Rajagopalan, formerly Registrar of Companies, Delhi, have been placed at the disposal of the India Tourism Development Corporation Limited, New Delhi, for appointment as their Financial Adviser and Chief Accounts Officer with effect from 1st February, 1968, and until further orders.

[No. Admn. 1(57)/67.]

T. ARUMUGHAM, Dy. Secy

DEPARTMENT OF COMMUNICATIONS

(P. and T. Board)

New Delhi, the 23rd February 1968

S.O. 851.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12, and sub-rule (1) of rule 24, read with rule 34 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of

the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. S.R.O. 620 dated the 28th February, 1967, namely:—

In the Schedule to the said notification,—

(a) in Part II—General Central Service, Class III, after the heading “Internal Check Organisation in Circle Offices” and the entries relating thereto, the following heading and entries shall be inserted, namely:—

“Postal Savings Banks under the Charge of Managers, Grades I, II and III.

1	2	3	4	5
Manager, Grade II/III; Assistant Manager, Grade II/III.	Director of Postal Services.	Director of Postal Services.	All	Postmaster General.
		Manager, Grade I (in his own office); Assistant Postmaster-General (in other offices).	(i) to (iv)	Director of Postal Services.
Upper Division Clerk (including Selection Grade Upper Division Clerk); Lower Division Clerk.	Director of Postal Services.	Director of Postal Services.	All	Postmaster-General.
		Manager Grade I (in his own office), Assistant Postmaster General (in other offices).	(i) to (iv)	Director of Postal Services.
		Manager, Grade II (in respect of Lower Division Clerk and Upper Division Clerk excluding Selection Grade Upper Division Clerk, in his own office)	(i)	Assistant Postmaster General

(b) in Part III—General Central Service, Class IV, after the heading “Internal Check Organisation in Circle Offices” and the entries relating thereto, the following heading and entries shall be inserted, namely:—

“Postal Savings Banks under the Charge of Managers, Grades I, II and III.

1	2	3	4	5
All Posts	Manager, Grade I; Manager, Grade II; Manager, Grade III	Manager, Grade I (in his own office), Assistant Postmaster General (in other offices)	All	Director of Postal Services.
		Manager, Grade II; (in his own office) Manager, Grade III (in his own office).	(i) to (iv)	Assistant Postmaster General.

[No. 44/10/67-Disc.]

D. K. AGARWAL,
Asstt. Director General.

(P. & T. Board)

New Delhi, the 28th February 1968

S.O. 852.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951 as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st April, 1968 as the date on which the Measured Rate System will be introduced in Karaikudi Telephone Exchange

[No. 5-39/68-PHB.]

New Delhi, the 29th February 1968

S.O. 853.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts & Telegraphs, hereby specifies the 1st April, 1968 as the date on which the Measured Rate System will be introduced in Badnera Telephone Exchange.

[No. 5/36/68-PHB(14).]

D. R. BAHL,
Asstt. Director General (PHB).

संचार विभाग
(डाक-तार बोर्ड)

नई दिल्ली, 28 फरवरी 1968

एस० ओ० 854—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने कराईकुडी टेलीफोन केन्द्र में 1-4-68 से प्रस्तापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-39/68-पी० एच० बी०]

नई दिल्ली, 29 फरवरी, 1968

एस० ओ० 855.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने बडनेरा टेलीफोन केन्द्र में 1-4-68 से प्रस्तापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-36/68-पी० एच० बी० (14).]

डी० आर० बहल,
महायक महानिदेशक (पी० एच० बी०)।

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Department of Works and Housing)

New Delhi, the 13th February 1968

S.O. 856.—In exercise of the powers conferred by section 3 of the Public Premises (Erection of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints S. P. C. Sen, Executive Officer, Office of the Jute Commissioner, Ministry of Commerce, Calcutta,

being a gazetted officer of Government, to be Estate Officer for the purposes of the said Act who shall exercise the powers and perform the duties imposed on Estate Officer by or under the said Act within the local limits of his jurisdiction in respect of the public premises, Central Nucleus Jute Seed Multiplication Farm, Pannagarh, West Bengal (area 212·90 acres of land, that is 200 acres from Pannagarh Base and 12·90 acres from Bud Bud camping ground) and directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation No. S.O. 954 dated the 10th March, 1964 namely:—

In the said notification, for the Table thereunder, the following Table shall be substituted, namely:—

“Designation of Officer,”	Categories of public premises and local limits of jurisdiction.
1	2
Shri P. C. Sen, Executive Officer, Office of the Jute Commissioner, Ministry of Commerce Calcutta.	Central Nucleus Jute Seed Multiplication Farm, Pannagarh, West Bengal (area 212·90 acres of land that is 200 acres from Pannagarh Base and 12·90 acres from Bud Bud camping ground)”. <div data-bbox="814 713 1081 740" data-label="Text">[No. F. 21011(4)/66-Pol.]</div> <div data-bbox="786 749 1106 775" data-label="Text">V. P. AGNIHOTRI, Dy. Secy.</div>

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 2nd March 1968

S.O. 857.—In exercise of the powers conferred by section 4 of the Terminal Tax on Railway Passengers Act, 1956 (69 of 1956), and in partial modification of the notification of the Government of India in the Ministry of Railways No. F(X) II-56/TX-19/12-III dated the 25th September, 1959 the Central Government hereby directs that no terminal tax shall be levied on passengers travelling by Railway from or to the notified place mentioned in the Schedule hereto annexed, to or from any railway station situated with a radius of 14 miles (23 Kilometres) from such notified place.

2. This notification shall have effect on and from the 7th March, 1968.

SCHEDULE

1. Jawalapur.

[No. F. (X) I-67/TX-19/5.]

New Delhi, the 4th March 1968

S.O. 858.—In exercise of the powers conferred by sub-section (1) of section 3 of the Terminal Tax on Railway Passengers Act, 1956 (69 of 1956), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Railways (Railway Board) No. F(X) I-67/TX-19/5-2 dated the 26th January, 1968, namely:—

In the said notification, in column III of the Schedule, under the sub-headings ‘Short distance passengers’, for the existing entry

“16 miles-150 miles (25 Kms-242 Kms) in respect of Serial Nos. 1 to 4 and 12½ miles-150 miles (21 Kms-242 Kms) in respect of serial No. 5”

the following shall be substituted, namely:—

“16 miles-150 miles (25 Kms-242 Kms) in respect of Serial Nos. 1, 3 and 4, 15 miles-150 miles (24 kms-242 Kms.) in respect of Serial No. 2

and 12½ miles-150 miles (21 Kms-242 Kms.) in respect of Serial No. 5".

[No. F.(X)I-67/TX-19/5-2(A)]

C. S. PARAMESWARAN. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDERS

New Delhi, the 27th February 1968

S.O. 859—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Films Advisory Board, Bombay hereby approved the films specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

1. Sub-Section 4 of Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
2. Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).
3. Sub-Section (4) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	
1.	Mahitichitra No. 88.	263.64 M	Director of Information, Government of Gujarat, Sachivalaya, Ahmedabad-15.		Film dealing with news and current events (For release in Gujarat Circuit only).
2.	Ambe Aavya Mhor	429.77 M		Do.	Film intended for educational purposes (For release in Gujarat Circuit only).
3.	Aaj No Lalkar	301.75 M		Do.	Do.
4.	Mahitichitra No. 89.	262.74M		Do.	Film dealing with news and current events (For release in Gujarat Circuit only).
5.	Mahitichitra No. 90.	281.93 M		Do.	Do.
6.	Mahitichitra No. 91.	256.02 M		Do.	Do.

[No. F. 24/1/68-FP App. 1232]

S.O. 860—In pursuance of the Directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all their language versions to be of the description specified against each in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act, XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with News and current events or a documentary film.
1	2	3	4	5	6
1	Maharashtra News No. 187.	295.00 M	Director of Publicity, Government of Maharashtra, Film Centre, 68-Tardeo Road, Bombay - 34.		Film dealing with news and current events (For release in Maharashtra Circuit only).
2	Maharashtra News No. 188.	293.00 M		Do.	Do
3	Adarsh Gram .	301.00 M		Do.	Film intended for educational purposes. (For release in Maharashtra Circuit only).

[No. F. 24/1/68-FP App. 1233.]

New Delhi, the 1st March 1968

S.O. 861.—In pursuance of the Directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).
- (3) Sub-section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the Film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1	Maharashtra News No. 189.	296 00 M	Director of Publicity, Government of Maharashtra, Film Centre, 68-Tardeo Road, Bombay-34.		Film dealing with news and current events (For release in Maharashtra Circuit only)

[No. F. 24/1/68-FP App 1235]

SHANTI LAL, Under Secy.

MINISTRY OF HEALTH, FAMILY PLANNING AND URBAN DEVELOPMENT

(Department of Health)

New Delhi, the 23rd February 1968

S.O. 862.—In exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government after consultation with the Medical Council of India, hereby directs that the medical qualification M.D. (State University of New York, Upstate Medical Centre, Syracuse, U.S.A.), shall be recognised medical qualification for the purposes of that Act.

[No. F. 19-3/68-MPT]

ORDERS

New Delhi, the 24th February 1968

S.O. 863.—Whereas the Government of India in the Ministry of Health and Family Planning has, by notification No. 19-3/68-MPT dated the 23rd February, 1968, made, in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M. D. (State University of New York, Upstate Medical Centre, Syracuse, USA) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period of two years with effect from the date of issue of this Order or so long as Dr. Morris Robert Peter who possesses the said qualification, continues to work with the American Peace Corps, Bombay Regional Office, Bombay, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Morris Robert Peter shall be limited subject to the condition that the said doctor continues to be enrolled as a medical practitioner for the said period in accordance with the law regulating the registration of medical practitioners in his country

[No. F. 19-3/68-MPT.]

New Delhi, the 29th February 1968

S.O. 864.—Whereas the Government of India in the late Ministry of Health has, by notification No. 16-20/60-MI, dated the 10th July, 1961, made, in exercise

of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) recognised the medical qualification "M.D. (Berlin)" for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of issue of this Order or so long as Dr. Johannes Pueschal who possesses the said qualification, continues to work in the Bethesda Hospital, Ambur, North Arcot District, Madras to which she is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Johannes Pueschal shall be limited provided that the said doctor continues to be enrolled as a medical practitioner for the said period in accordance with the law regulating the registration of medical practitioners in her country.

[No. F. 19-63/67-MPT.]

S.O. 865.—Whereas the Government of India in the late Ministry of Health has, by notification No. 17-43/59-MI, dated the 9th January, 1961, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M.D. (University of Illinois, U.S.A.) for the purposes of the said Act;

Now therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period from the date of issue of this order upto the 1st July, 1968, or so long as Dr. Visscher Lois Helena, who possesses the said qualification, continues to work in the Christian Hospital, Kasganj, Uttar Pradesh, to which she is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Visscher Lois Helena shall be limited, subject to the condition that the said doctor continues to be enrolled as a medical practitioner for the said period in accordance with the law regulating the registration of medical practitioners in her country.

[No. F. 19-44/67-MPT.]

L. K. MURTHY, Under Secy.

(Department of Health)

New Delhi, the 28th February 1968

S.O. 866.—In exercise of the powers conferred by section 33N of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government, after consultation with the Ayurvedic and Unani Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs and Cosmetics Rules, 1945, the same having been previously published as required by sub-section (1) of the said section, namely :-

1 Short title.—These rules may be called the Drugs and Cosmetic (Amendment) Rules, 1968.

2 In the Drugs and Cosmetic Rules, 1945 (hereinafter referred to as the said Rules), after Part XV, the following parts shall be inserted, namely:—

"PART XVI

Manufacture for Sale of Ayurvedic (including Siddha) or Unani Drugs

151. *Manufacture on more than one set of premises.*—If Ayurvedic (including Siddha) or Unani drugs are manufactured on more than one set of premises, a separate application shall be made and a separate licence shall be issued in respect of each such set of premises.

152. *Licensing authorities.*—For the purpose of this Part the State Government shall appoint such licensing authorities and for such areas as may be specified in this behalf in the Official Gazette.

153. *Application for licence to manufacture Ayurvedic (including Siddha) or Unani Drugs.*—(1) An application for the grant or renewal of a licence to manufacture for sale any Ayurvedic (including Siddha) or Unani drug shall be made in Form 24-D to the licensing authority along with a fee of rupees sixty.

Provided that in the case of renewal the applicant may apply for the renewal of the licence before its expiry or within one month of such expiry.

Provided further that if the applicant applies for renewal after the expiry of one month but within three months of such expiry, the fee payable for renewal of such licence shall be rupees sixty plus an additional fee of rupees thirty.

(2) A fee of rupee fifteen shall be paid for a duplicate copy of a licence issued under this rule, if the original licence is defaced, damaged or lost.

154. *Form of licence to manufacture Ayurvedic (including Siddha) or Unani drugs.*—(1) Subject to the conditions of rule 157 being fulfilled a licence to manufacture for sale any Ayurvedic (including Siddha) or Unani drugs shall be issued in Form 25-D. The licence shall be issued within a period of three months from the date of receipt of the application.

(2) A licence under this rule shall be granted by the licensing authority after consulting such expert in Ayurvedic (including Siddha) or Unani Systems of medicine, as the case may be, as the State Government may approve in this behalf.

155. *Certificate of renewal.*—The certificate of renewal of a licence in Form 25-D shall be issued in Form 26-D.

156. *Duration of licence.*—An original licence in Form 25-D or a renewal licence in Form 26-D, unless sooner suspended or cancelled shall be valid up to the 31st December of the year following the year in which it is granted or renewed:

Provided that if the application for the renewal of a licence is made within one month of its expiry, or if the application is made within three months of its expiry after payment of the additional fee of rupees thirty, the licence shall continue to be in force until orders are passed on the application. The licence shall be deemed to have expired, if application for its renewal is not made within three months of its expiry.

157. *Conditions for the grant or renewal of a licence in Form 25-D.*—Before a licence in Form 25-D is granted or renewed in Form 26-D, the following conditions shall be complied with by the applicant, namely:—

(1) The manufacture of Ayurvedic (including Siddha) or Unani drugs shall be carried out in such premises and under such hygienic conditions as are specified in Schedule 'T'.

(2) The manufacture of Ayurvedic (including Siddha) or Unani drugs shall be conducted under the direction and supervision of competent technical staff, consisting at least of one person who is a whole time employee and who possesses any of the following qualifications, namely:—

(a) a degree in Ayurveda, Siddha or Unani System of medicine, as the case may be, conferred by a University/a State Government or Statutory Faculties, Councils and Boards of Indian Systems of Medicine recognised by the Central Government or a State Government for this purpose, or

(b) a diploma in Ayurveda, Siddha or Unani system of medicine granted by a State Government or an Institution recognised by the Central Government for this purpose, or

(c) a graduate in Pharmacy or Pharmaceutical Chemistry or Chemistry or Botany of a University recognised by the Central Government with experience of at least one year in the manufacture of drugs pertaining to the Ayurvedic or Siddha or Unani systems of medicine in the case of a graduate in Pharmacy or Pharmaceutical Chemistry and of two years in the case of graduates in Chemistry or Botany, or

(d) a Vaid or Hakim registered in a State Register of Practitioners of indigenous systems of medicines having experience of at least four years in the manufacture of Ayurvedic or Siddha or Unani Drugs.

(e) a qualification as Pharmacist in Ayurvedic (including Siddha) or Unani system of Medicine, possessing experience of not less than eight years in the manufacture of Ayurvedic or Siddha or Unani drugs as may be recognised by the Central Government.

(3) The competent technical staff to direct and supervise the manufacture of Ayurvedic drugs shall have qualifications in Ayurveda and for the manufacture of Siddha drugs and Unani drugs, qualifications in Siddha or Unani respectively as the case may be.

158. *Conditions of licence.*—A licence in Form 25-D shall be subject to the conditions stated therein and to the following further conditions, namely:—

(a) The licensee shall maintain proper records of the details of manufacture and of the tests, if any, carried out by him, or by any other person on his behalf, of the raw materials and finished products.

(b) The licensee shall allow an Inspector, authorised by the licensing authority in that behalf, to enter any premises where the manufacture of a substance in respect of which the licence is issued is carried on and to inspect the premises and to take samples of the raw materials as well as the finished products, and to inspect the records maintained under these Rules.

159. *Cancellation and suspension of licences.*—(1) The Licensing Authority may, after giving the licensee an opportunity to show cause, within a period which shall not be less than fifteen days from the date of receipt of such notice, why such an order should not be passed, by an order in writing stating the reasons therefor, cancel a licence issued under this Part or suspend it for such period as he thinks fit, either wholly or in respect of some of the drugs to which it relates. If in his opinion, the licensee has failed to comply with any of the conditions of the licence or with any provisions of the Act or the rules made thereunder.

(2) A licensee whose licence has been suspended or cancelled may appeal within a period of three months from the date of receipt of the order to the State Government which shall, after considering the appeal decide the same.

160. *Identification of raw materials.*—Raw materials used in the preparation of Ayurvedic (including Siddha) or Unani drugs shall be identified and tested, wherever tests are available, for their genuineness, and records of such tests as are carried out for the purpose and the methods thereof shall be maintained.

"PART XVII.

Labelling and packing of Ayurvedic (including Siddha) or Unani drugs.

161. *Manner of labelling:*

(1) There shall be conspicuously displayed on the label of the container or package of an Ayurvedic (including Siddha) or Unani drug, the true list of all the ingredients used in the manufacture of the preparation together with the quantity of each incorporated therein and a reference to the method of preparation thereof as detailed in the Standard text and Adikarana, as are prescribed in the authoritative books specified in the First Schedule to the Act:

Provided that if the list of ingredients contained in the medicine is large and cannot be accommodated on the label, the same may be printed separately and enclosed with the packing and a reference be made to this effect on the label.

(2) The container of a medicine for internal use made up ready for the treatment of human ailments shall, if it is made up from a substance specified in Schedule E(I), be labelled conspicuously with the words 'Caution—to be taken under medical supervision' both in English and Hindi language.

(3) Subject to the other provisions of these rules, the following particulars shall be either printed or written in indelible ink and shall appear in a conspicuous manner on the label of the innermost container of any Ayurvedic (including Siddha) or Unani drug and on any other covering in which the container is packed, namely:

- (i) The Name of the drug. For this purpose the name shall be the same as mentioned in the authoritative books included in the First Schedule of the Act.
- (ii) A correct statement of the net content in terms of weight, measure or number as the case may be. The weight and volume shall be expressed in metric system.
- (iii) The Name and address of the manufacturer.
- (iv) The number of the licence under which the drug is manufactured, the figure representing the manufacturing licence number being preceded by the words 'Manufacturing Licence Number' 'of Mfg., Lic., No.' or "M.L."
- (v) A distinctive batch number. that is to say, the number by reference to which details of manufacturer of the particular batch from which

the substance in the container is taken are recorded and are available for inspection, the figure representing the batch number being preceded by the Words "Batch No." or "Batch" or "Lot Number" or "Lot No." or "Lot" or any distinguished prefix.

- (vi) The date of manufacture. For this purpose the date of manufacture shall be the date of completion of the final products, or the date of bottling or packing for issue.
- (vii) The words "Ayurvedic medicine" or "Siddha medicine" or "Unani medicine" as the case may be.
- (viii) The words "FOR EXTERNAL USE ONLY" if the medicine is for external application.
- (ix) Every drug intended for distribution to the medical profession as a free sample shall, while complying with the labelling provisions under clause (i) to (viii), further bear on the label of the container the words "Physicians sample—Not to be sold" which shall be over-printed.

(4) Nothing in these rules shall be deemed to require the labelling of any transparent cover or of any wrapper case or other covering used solely for the purpose of packing, transport or delivery.

"PART XVIII.

Government Analysts and Inspectors for Ayurvedic (including Siddha) or Unani drugs.

182. *Duties of Inspectors specially authorised to inspect the manufacture of Ayurvedic (including Siddha) or Unani Drugs.*

Subject to the instructions of the controlling authority, it shall be the duty of an Inspector authorised to inspect the manufacture of Ayurvedic (including Siddha) or Unani Drugs:—

- (i) to inspect not less than twice a year, all premises licenced for manufacture of Ayurvedic (including Siddha) or Unani drugs within the area allotted to him and to satisfy himself that the conditions of the licence and the provisions of the Act and the rules made thereunder are being observed;
- (ii) to send forthwith to the controlling authority after each inspection a detailed report indicating whether or not the conditions of the licence and the provisions of the Act and the rules made thereunder are being observed;
- (iii) to take samples of the drugs manufactured on the premises and send them for test or analysis in accordance with these rules;
- (iv) to institute prosecutions in respect of violations of the Act and the rules made thereunder.

183. *Procedure for despatch of sample to Government Analyst and its receipt by the Government Analyst.*

(1) Samples for test or analysis shall be sent to the Government Analyst by registered post or by hand in a sealed package, enclosed together with a memorandum in Form 18A, in an outer cover addressed to the Government Analyst.

(2) The package as well as the outer cover shall be marked with a distinguishing number.

(3) A copy of the memorandum and a specimen impression of the seal used to seal the package shall be sent by registered post or by hand to the Government Analyst.

(4) On receipt of the package from an Inspector, the Government Analyst or an Officer authorised by him in writing in this behalf shall open the package and shall also record the condition of the seals on the package.

(5) After the test or analysis has been completed, one copy of the results of the test or analysis shall be supplied forthwith to the sender in Form 13-A. A copy of the results in Form 13-A may also be sent simultaneously to the controlling authority and to the Drugs Controller, India.

164. Method of test or analysis to be employed in relation to Ayurvedic (including Siddha) or Unani drugs.

The method of test or analysis to be employed in relation to an Ayurvedic (including Siddha) or Unani drugs shall be such as may be specified in the Ayurvedic (including Siddha) and Unani Pharmacopoeia, or if no such Pharmacopoeias are available, or if no tests are specified in such Pharmacopoeias, such tests as the Government Analyst may employ, such tests being scientifically established to determine whether the drug contains the ingredients as stated on the label.

165. Qualifications of Government Analyst.

A person who is appointed a Government Analyst under section 33F of the Act shall be a person possessing the qualifications prescribed in rule 44 or a degree in Ayurveda, Siddha or Unani system, as the case may, conferred by a University, a State Government or Statutory Faculties, Councils and Boards of Indian systems of medicine recognised by the Central or State Governments, as the case may be, for this purpose and has had not less than three years postgraduate experience in the analysis of drugs in a laboratory under the control of (i) a Government Analyst appointed under the Act, or (ii) a Chemical Examiner to Government, or (iii) the head of an institution specially approved for the purpose by the appointing authority.

166. Duties of Government Analyst:

(1) The Government Analyst shall analyse or test or cause to be analysed or tested such samples of Ayurvedic (including Siddha) or Unani drugs as may be sent to him by Inspectors or any other person or authority authorised by the Central Government or a State Government under the provisions of Chapter IV A of the Act and shall furnish reports of the results of test or analysis in accordance with these rules.

(2) A Government Analyst appointed under section 33F shall from time to time forward to the Government reports giving the result of analytical work and research with a view to their publication at the discretion of the Government.

167. Qualifications of Inspector:

A person who is appointed an Inspector under section 33G shall have qualifications as laid down under rule 49 and shall have undergone practical training in the manufacture of Ayurvedic (including Siddha) or Unani drugs or shall have one of the qualifications given below:—

- (a) a degree in Ayurveda (including Siddha) or Unani system, as the case may be, conferred by a University/a State Government or Statutory Faculties, Councils or Boards of Indian system of medicine recognised by the Central Government or the State Government for this purpose, or
- (b) a diploma in Ayurveda, Siddha or Unani System, as the case may be, granted by a State Government or an Institution recognised by the Central Government or the State Government for this purpose.

FORM 13-A

(See Rule 163)

Certificate of Test or Analysis by Government Analyst under section 33H of the Drugs and Cosmetics Act, 1940.

1. Name of Inspector from whom received
2. Serial No. and date of Inspector's memorandum
3. Number of sample
4. Date of receipt
5. Names of ingredients purporting to have been used in the preparation of the sample
6. Conditions of seal on the package
7. Results of test or analysis

Date

Government Analyst

FORM 18-A

(See rule 163)

Memorandum to Government Analyst.

Serial No.

From

To

The Government Analyst.

The portion of sample/container described below is sent herewith for test or analysis under the provisions of section 33H of the Drugs and Cosmetics Act, 1940.

The portion of sample/container has been marked by me with the following mark.

Details of portion of sample or container with name of ingredients from which it is claimed to be made.

Date.....

Inspector.....

FORM 24-D

(See Rule 153)

Application for the grant/renewal of a licence to manufacture for sale of Ayurvedic / Siddha or Unani drugs.

1. I/We.....of.....hereby apply for the grant/renewal of a licence to manufacture Ayurvedic (including Siddha) or Unani drugs on the premises situated at.....

2. Names of drugs to be manufactured (with details).

3. Names, qualifications and experience of technical staff employed for manufacture and testing of Ayurvedic (including Siddha) or Unani drugs.....

4. A fee of rupees... ..has been credited to the Government under the head of account..... and the relevant Treasury Challan is enclosed herewith.

Dated.....

Signature.....

(applicant).

Note:—The application should be accompanied by a plan of the premises.

FORM 25-D

(See Rule 154).

Licence to manufacture for sale of Ayurvedic (including Siddha) or Unani drugs.

No. of Licence.....

1.is/are hereby licensed to manufacture the following Ayurvedic (including Siddha) or Unani drugs on the premises situated at.....under the direction and supervision of the following technical staff:—

(a) Technical staff (Names).

(b) Names of drugs (Each item to be separately specified).

2. The licence shall be in force from....to.....

3. The licence is subject to the conditions stated below and to such other conditions as may be specified in the rules for the time being in force under the Drugs and Cosmetics Act, 1940.

Date of Issue.....

Signature.....

Designation.....

Conditions of Licence.

1. The licence and any certificate of renewal in force shall be kept on the approved premises and shall be produced at the request of an Inspector appointed under the Drugs and Cosmetics Act, 1940.

2. Any change in the technical staff named in the licence shall be reported forthwith to the Licensing authority.

3. This licence shall be deemed to extend to such additional items as the licensee may intimate to the Licensing authority from time to time, and as may be endorsed by the Licensing authority.

4. The Licensee shall inform the Licensing authority in writing in the event of any change in the constitution of the firm operating under the licence. Where any change in the constitution of the firm takes place, the current licence shall be deemed to be valid for a maximum period of three months from the date on which the change takes place, unless, in the meantime, a fresh licence has been taken from the Licensing authority in the name of the firm with the changed constitution.

FORM 26-D

(See Rule 155)

Certificate of renewal of licence to manufacture for sale of Ayurvedic/Siddha/ or Unani drugs.

1. Certified that Licence No..... granted on the..... to Shri/ Messers..... for the manufacture of Ayurvedic/Siddha/ or Unani drugs at the premises situated at..... has been renewed from..... to.....

2. Name of technical staff.....

Date.....

Signature.....

Designation.....

SCHEDULE E(I)

List of poisonous substances under the Ayurvedic (including Siddha) and Unani Systems of Medicines.

A. Ayurvedic System

I. Drugs of vegetable origin

1. Ahipena	<i>Papaver somniferum</i> Linn.
2. Arka	<i>Calotropis gigantea</i> (Linn.) R. Br. ex Ait.
3. Bhallataka	<i>Semecarpus anacardium</i> Linn. f.
4. Bhangā	<i>Cannabis sativa</i> Linn.
5. Danti	<i>Baliospermum montanum</i> Muell. Arg.
6. Dhattura	<i>Datura metel</i> Linn.
7. Gunja	<i>Abrus precatorius</i> Linn.
8. Jaipala (Jayapala)	<i>Croton tiglium</i> Linn.
9. Karaveera	<i>Nerium indicum</i> Mill.
10. Langali	<i>Gloriosa superba</i> Linn.
11. Parasika yavani	<i>Hyoscyamus niger</i> Linn.
12. Snuhi	<i>Euphorbia nerifolia</i> Linn.
13. Vatsanabha	<i>Aconitum chasmanthum</i> Stapf ex Holmes
14. Vishamushthi	<i>Strychnos nux-vomica</i> Linn.
15. Shringivisha	<i>Aconitum chasmanthum</i> Stapf ex Holmes

II. Drugs of Animal origin

16. Sarpa kisha	Snake poison.
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III. Drugs of Mineral origin

17. Gauripashana	Arsenic
18. Hartala	Arseno sulphide
19. Manahshila	Arseno sulphide

20. Parad	Mercury
21. Rasa Karpoor	Hydrargyri subchloridum
22. Tuttha	Copper sulphate
23. Hingula	Cinnabar
24. Sindura	Red oxide of lead
25. Girisindura	Red oxide of mercury

B. Siddha System

1. Abini	<i>Papaver somniferum</i> Linn.
2. Alari	<i>Thevetia peruviana</i> (Pers.) Schum.
3. Azhavanam	<i>Lawsonia inermis</i> Linn.
4. Astru uthummatti	<i>Citrullus colocynthis</i> Schrad.
5. Anai kunri	<i>Adenanthera pavonina</i> Linn.
6. Rattha polam	<i>Aloe barbadensis</i> Mill.
7. Ilaikalli	<i>Euphorbia nerifolia</i> Linn.
8. Eezhaththalar	<i>Albizia amara</i> Boivin
9. Oomathai	<i>Datura stramonium</i> Linn.
10. Yetti	<i>Strychnos nuxvomica</i> Linn.
11. Ganjah	<i>Cannabis sativa</i> Linn.
12. Kalappaik kizhangu	<i>Gloriosa superba</i> Linn.
13. Kodikkalli	<i>Euphorbia tirucalli</i> Linn.
14. Chadurakkalli	<i>Euphorbia antiquorum</i> Linn.
15. Karia polam	<i>Aloe</i> sp.
16. Kattamanakku	<i>Jatropha glandulifera</i> Roxb.
17. Kattu thumatti	<i>Cucumis trigonus</i> Roxb.
18. Kunri	<i>Abrus precatorius</i> Linn.
19. Cheran Kottai	<i>Semecarpus anacardium</i> Linn.
20. Thillai	<i>Excoecaria agallocha</i> Linn.
21. Nabi	<i>Aconitum ferox</i> Wall.
22. Nervalam	<i>Croton tiglium</i> Linn.
23. Pugai Elai	<i>Nicotiana tabacum</i> Linn.
24. Marukkarai	<i>Randia dumetorum</i> Lam.
25. Mannsevikalli	

C. Unani System

I. Drugs of vegetable origin

1. Afium	<i>Papaver somniferum</i> Linn.
2. Bazrul-banj	<i>Hyoscyamus niger</i> Linn.
3. Bish	<i>Aconitum chasmanthum</i> Stapf ex Holmes
4. Bhang	<i>Cannabis sativa</i> Linn.
5. Charas	<i>Cannabis sativa</i> Linn.
6. Dhatura seeds	<i>Datura metel</i> Linn. (seeds)
7. Kuchla	<i>Strychnos nux-vomica</i> Linn.
8. Shokran	<i>Conium maculatum</i> Linn.

II. Drugs of Animal origin

9. Samp (head)	Snake (head)
10. Telni makkhi	<i>Mylabris cichorii</i> Linn.
	<i>Mylabris pustulata</i> Thunb.
	<i>Mylabris macilenta</i> .

III. Drugs of Mineral origin

11. Danchikna	Hydrargyri perchloridum
12. Hira	Diamond
13. Ras Kapoor	Hydrargyri subchloridum (Calomel)
14. Shingruf	Hydrargyri bisulphuratum
15. Zangar	Cupri subacetat
16. Samul-Far (Abyaz, Asfar, Aswad and Ahmar)	Arsenic (white, yellow, black and red)
17. Tootiya	Copper sulphate
18. Parad	Hydrargyrum
19. Hartal	Arsenic trisulphide (yellow)

SCHEDULE 'T'

(See Rule 157)

Requirements of Factory premises and hygienic conditions.

1. An Ayurvedic (including Siddha) or Unani drug manufacturing Establishment Pharmacy or Factory shall as far as possible not be situated adjacent to an open sewage, drain, public lavatory or any factory which produces an obnoxious odour or large quantities of soot, dust or smoke. The premises for the manufacture of such drugs shall be clean and hygienic and shall be free from cobwebs, insects, rodents etc.

2. The walls of the room(s) in which manufacturing operations are carried out shall be impervious to water and be capable of being kept clean. The flooring shall be smooth and even and shall be such as not to permit retention or accumulation of dust or waste products. The building shall be such as not to give ingress to insects, rodents, reptiles etc.

3. The water used in the manufacture shall be pure and of drinkable quality, free from pathogenic organisms. Adequate provision of good water for washing the premises shall be made.

4. In factories where operations involving the use of containers such as, bottles, vials, jars etc. are conducted, there shall be adequate arrangements separated from the manufacturing operations for washing, cleaning and drying such containers with suitable equipment for the purpose. Sterilising facilities, where necessary, shall also be provided.

5. Suitable arrangements shall be made for the disposal of waste water and other residues from the manufacturing premises in a manner as may not affect the health of the people in the area.

6. All workers employed in the factory shall be free from contagious or obnoxious disease. The workers shall wear clean white or coloured aprons (to be provided by the management) suitable for the nature of work and climate. Adequate facilities for personal cleanliness such as clean towels, soap and nail scrubbing brushes shall be provided for men and women workers separately. Facilities for drinking water and washing premises shall be provided for each sex separately. Separate provision shall be made for lavatories to be used by men and women, and such lavatories shall be located at places which will be well removed from the processing rooms.

[No. F. 1-44/64-D.]

New Delhi, the 29th February 1968

S.O. 867.—The following draft of rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th May, 1968.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government :—

Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1968.

2. In the Drugs and Cosmetics Rules, 1945—

(i) in rule 2, clause (b) shall be omitted;

(ii) for rule 58, the following rule shall be substituted, namely :—

“58. Confiscation of drugs, implements, machinery etc.

(1) Where any person has been convicted for contravening any of the provisions of Chapter IV of the Act or any rule made thereunder, the stock of

the drug in respect of which the contravention has been made shall be liable to confiscation.

(2) Where any person has been convicted for the manufacture of any drug deemed to be misbranded under clause (a), clause (b), clause (c), clause (d), clause (f) or clause (g) of section 17 or adulterated drug under section 17B or for manufacture for sale, or stocking or exhibiting for sale or distribution of any drug without a valid licence as required under clause (c) of section 18 any implements or machinery used in such manufacture, sale or distribution and any receptacle, packages or coverings in which such drug is contained and the animals, vehicles, vessels or other conveyances used in carrying such drug shall also be liable to confiscation.

(iii) rule 67 shall be omitted.

(iv) in rule 96, for sub-clause (a) in clause (1) of sub-rule (1), the following sub-clause shall be substituted; namely:—

“(a) for drugs included in the Indian Pharmacopoeia or the pharmacopoeias prescribed in sub-rules (2) and (3) of rule 124, the name or synonym specified in the respective pharmacopoeias followed by the letters ‘I.P.’ or as the case may be being the recognised abbreviations of the respective Pharmacopoeias”.

(v) in rule 100, (a) in sub-rule (2), for clauses (a) and (b), the following clauses shall be substituted, namely:—

(a) if the preparation is included in the Indian Pharmacopoeia, the names or synonyms set out therein, or

(b) if the preparation is not included in the Indian Pharmacopoeia, the International Non-proprietary name of the drug published by the World Health Organisation.”;

(b) for sub-rule (3), the following sub-rule shall be substituted, namely:—

“(3) In the case of preparation included in the Indian Pharmacopoeia, it shall be sufficient, notwithstanding anything in the foregoing sub-rules, to state the name or synonym used to describe the preparation in the Indian Pharmacopoeia with the addition of the letters ‘I.P.’”;

(vi) in rule 101, for sub-rule (5), the following sub-rule shall be substituted, namely:—

“(5) In the case of a preparation included in the Indian Pharmacopoeia if the container is labelled with the name used to describe the article in the Indian Pharmacopoeia with the addition of the letter ‘I.P.’, it shall not be necessary to state on the label the proportion of the substance specified in Schedule E contained in the preparation.”;

(vii) for rule 104, the following rule shall be substituted, namely:—

“104 *Use of letters I.P., etc.*—The letters ‘I.P.’ and recognised abbreviations of pharmacopoeias prescribed under these rules shall be entered on the label of a drug only for the purpose of indicating that the drug is in accordance with standards set out in the Indian Pharmacopoeia or in any such Pharmacopoeias recognised under the Rules”;

(viii) for rule 124, the following rule shall be substituted, namely:—

124. *Standards of drugs*

(1) *Drugs included in the Indian Pharmacopoeia.*—The standards for identity, purity and strength shall be those specified in the edition of the Indian Pharmacopoeia for the time being.

(2) *For other drugs*

(a) The standards of identity, purity and strength shall be those as may be specified in the editions of the official Pharmacopoeias for the time being.

(b) For drugs for which standards are not included in the edition of the Indian Pharmacopoeia for the time being or in the editions of the Pharmacopoeias for the time being, but included in the edition of the British Pharmaceutical Codex or the National Formulary of the United States for the time being, such standards as may be included in the edition of the British Pharmaceutical Codex or the National

Formulary of the United States for the time being as the case may be.

(ix) for rule 127, the following rule shall be substituted, namely:—

"127. List of colours permitted to be used in drugs:

No drug shall contain a colour other than that specified below:—

1. *Natural Colours.*

Chlorophyll
Cochineal

2. *Artificial Colours.*

Caramel

3. *Coal Tar Colours.*

Common name of the Colour	Colour Index Number	Chemical name
Green Guinea Green B	42085	Monosodium salt of 4—(4-(N-ethyl-p-sulphobenzylamino)-diphenylmethylene)-(1-(N-ethyl-N-p-sulphoniumbenzyl) Δ 2,5-cyclohexadienimine).
Light Green SF	42095	Disodium salt of 4-((4-N-(ethyl-p-sulphobenzylamino)-phenyl) (4-Sulphonium Phenylmethylene (N-ethyl-N-p-sulphobenzyl)- Δ 2,5-cyclohexadienimide).
Fast Green FCF	42053	Disodium salt of 4-((4-(N-ethyl-p-sulphobenzylamino)-phenyl-(4-hydroxy-2-sulphoniumphenyl)-N-p-sulphobenzyl)- Δ 2,5-cyclohexadienimine).
Yellow Tartrazine	19140	Trisodium salt of 3-carboxy-5-hydroxy-1-sulphophenyl-4-p-sulphophenylazopyrazole.
Sunset Yellow FCF]	15985	Disodium salt of 1-p-sulphophenylazo-2-naphthol-6-sulphonic acid.
Red Ponceau 3R	16155	Disodium salt of a mixture of 1-alkyl-phenylazo-2-naphthol-3, 6-disulphonic acids.
Amaranth	16185	Trisodium salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-3, 6-disulphonic acid.
Erythrosine	45430	Disodium salt of 9-o-carboxyphenyl-6-hydroxy-2,4,5,7-tetraiodo-3-isoxanthene.
Ponceau SX	14700	Disodium salt of 2-(5-sulpho-2,4-Xylyl-zao)-1-naphthyl-4-sulphonic acid.
Blue Brilliant Blue FCF	42090	Disodium salt of 4-(4-ethyl-p-sulphobenzylamino)-phenyl-(2-sulphoniumphenyl)-methylene). (1-(n-ethyl-N-p-sulphobenzyl Δ 2,5-cyclohexadienimine).
Indigo Carmine	73015	Disodium salt of 3,5'-indigotindisulphonic acid.
Violet, Wool Violet 5 BN	42640	Monosodium salt of 4-((4-(N-ethyl-p-sulphobenzylaminophenyl) (4-N-ethyl-p-sulphoniumbenzylamino)-phenyl) methylene-(N,N-dimethyl- Δ 3,5-cyclohexadienimine)

Provided that the common name of the colour and its contents in terms of percentage shall be indicated on the label on the container",

- (x) in Schedule A,
 - (a) in Form 20-B, under "conditions of licence", para 4 shall be omitted;
 - (b) in Form 21-B, under "conditions of licence", para 5 shall be omitted;
 - (c) Forms 22 and 23 shall be omitted;
 - (d) in form 25, under "conditions of licence", para 4 shall be omitted;
 - (e) in Form 25-A, under "conditions of licence", para 4 shall be omitted;
 - (f) in form 25-B, under "conditions of licence", para 5 shall be omitted;
 - (g) in form 28, under "conditions of licence", para 4 shall be omitted;
 - (h) in form 28-A, under "conditions of licence", para 4 shall be omitted;
- (xi) in schedule D, entry (5) (iv) under the heading "class of drugs" for the words "British Pharmacopoeia—1946", the words "Indian Pharmacopoeia" shall be substituted.
- (xii) in Schedule F, in Part XII, under para (A) in the sub-para with the heading "Proper names etc.", for the words "British Pharmacopoeia", the words "Indian Pharmacopoeia" shall be substituted;
- (xiii) In Schedule F, in Part XII, in para (B) in sub-para (1) and (2), for the words "British Pharmacopoeia" in two places, the words, "Indian Pharmacopoeia" shall be substituted.
- (xiv) in Schedule F, (a) in Part XII, in para (D), in sub-para (2), for the words "British Pharmacopoeia" the words "Indian Pharmacopoeia" shall be substituted;
- (b) in Part XII, in para (D), in sub-para (3), for the words "British Pharmacopoeia or the United States Pharmacopoeia", the words "Indian Pharmacopoeia" shall be substituted;
- (c) in Part XII, in para (F), in sub-para (2), for the words "British Pharmacopoeia or the United States Pharmacopoeia", the words "Indian Pharmacopoeia", shall be substituted;
- (d) in Part XIII, in para 1, for the words "British Pharmacopoeia", the words "Indian Pharmacopoeia" shall be substituted;
- (xv) In Schedule K, in item 10(iv), under the heading "class of drugs", for the words "British Pharmacopoeia—1946", the words "Indian Pharmacopoeia" shall be substituted.

[No. F. 1-39/64-D.]

S. P. JINDAL, Under Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 25th September 1967

S.O. 868.—In pursuance of section 38 of the Employees' State Insurance Act, 1948 (34 of 1948), the Annual Report of the Employees' State Insurance Corporation for the year 1965-66 is hereby published for general information.

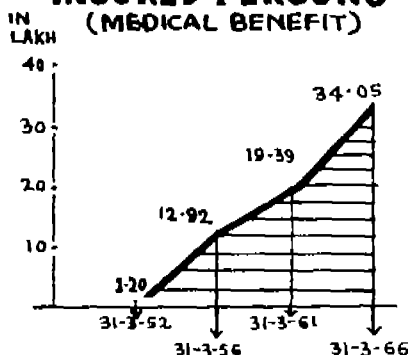
ESI at a GLANCE

	PROGRESS DURING					ACHIEVEMENTS DURING
	31-3-61	31-3-65	31-3-66	1965-66	IIIrd PLAN	
G O V E R N M E N T						
STATES	14	15	15	-	1	
CENTRES	120	226	259	33	139	
EMPLOYEES	16,77,500	28,80,400	31,29,400	2,49,000	14,51,900	
FAMILY UNITS	6,78,550	29,52,450	30,33,900	81,450	23,55,350	
INSURED PERSONS	19,39,000	32,52,250	34,05,000	1,52,750	14,66,000	
INSURED WOMEN	1,20,750	1,95,350	2,13,650	18,300	92,900	
TOTAL BENEFICIARIES	38,93,000	1,17,55,300	1,21,42,650	2,87,350	82,49,650	
EMPLOYEES YET TO BE COVERED	10,10,1000	7,82,750	6,37,950	-	-	
CASH OFFICES	228	367	406	39	178	
INSPECTION " "	64	89	93	4	29	
ESI HOSPITALS	-	11	14	3	14	
ESI ANNEXES	7	12	18	6	11	
BEDS						
„ ESI HOSPITALS	179	1,715	1,989 ^x	274 ^x	1,810 ^x	
„ ESI ANNEXES	178	390	474 ^x	84 ^x	296 ^x	
„ RESERVED	2,131	3,120	3,203 ^x	83 ^x	10,72 ^x	
„ TOTAL	2,488	5,225	5,666 ^x	441 ^x	3,178 ^x	
S.I. DISPENSARIES	334	527	561 ^x	34 ^x	227 ^x	
IMOs & IMPs	2,803	4,985	5,458 ^x	173 ^x	2,655 ^x	
CAPITAL CONSTRUCTION (RUPEES IN LAKH)						
SANCTIONED UP TO	4-64-95	2,4-97-14	3,079-79	582-66	2,614-84	
SPENT UP TO	94-34	1,302-01	1,714-01	412-00	1,619-67	
INCOME & OUT GO	1961-62	1962-63	1963-64	1964-65	1965-66	
REVENUE INCOME	1,022-25	1,341-06	1,555-86	1,960-98	2,309-28	
„ EXPENDITURE	844-98	1,134-15	1,235-56	1,557-57	2,066-89	
EXCESS OF INCOME OVER EXPENDITURE	177-27	206-91	320-30			

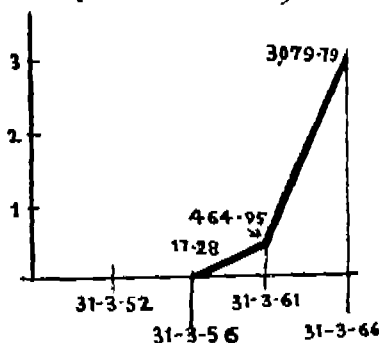
X PROVISIONAL

PROGRESS IN PLANS

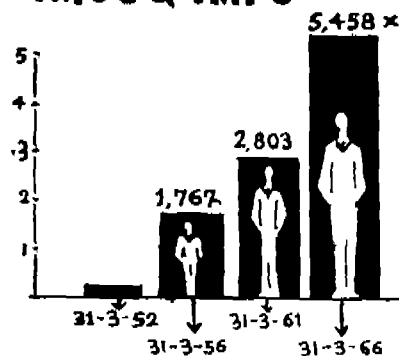
**INSURED PERSONS
(MEDICAL BENEFIT)**



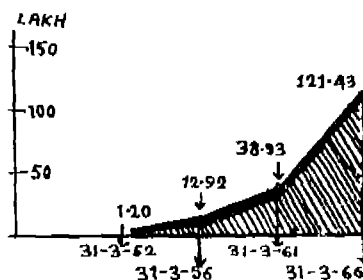
**CAPITAL
CONSTRUCTION
AMOUNT SANCTIONED
(RUPEES IN LAKH)**



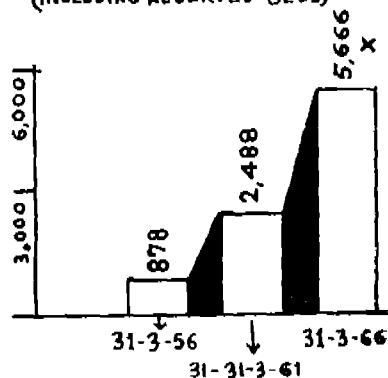
IMOs & IMPs



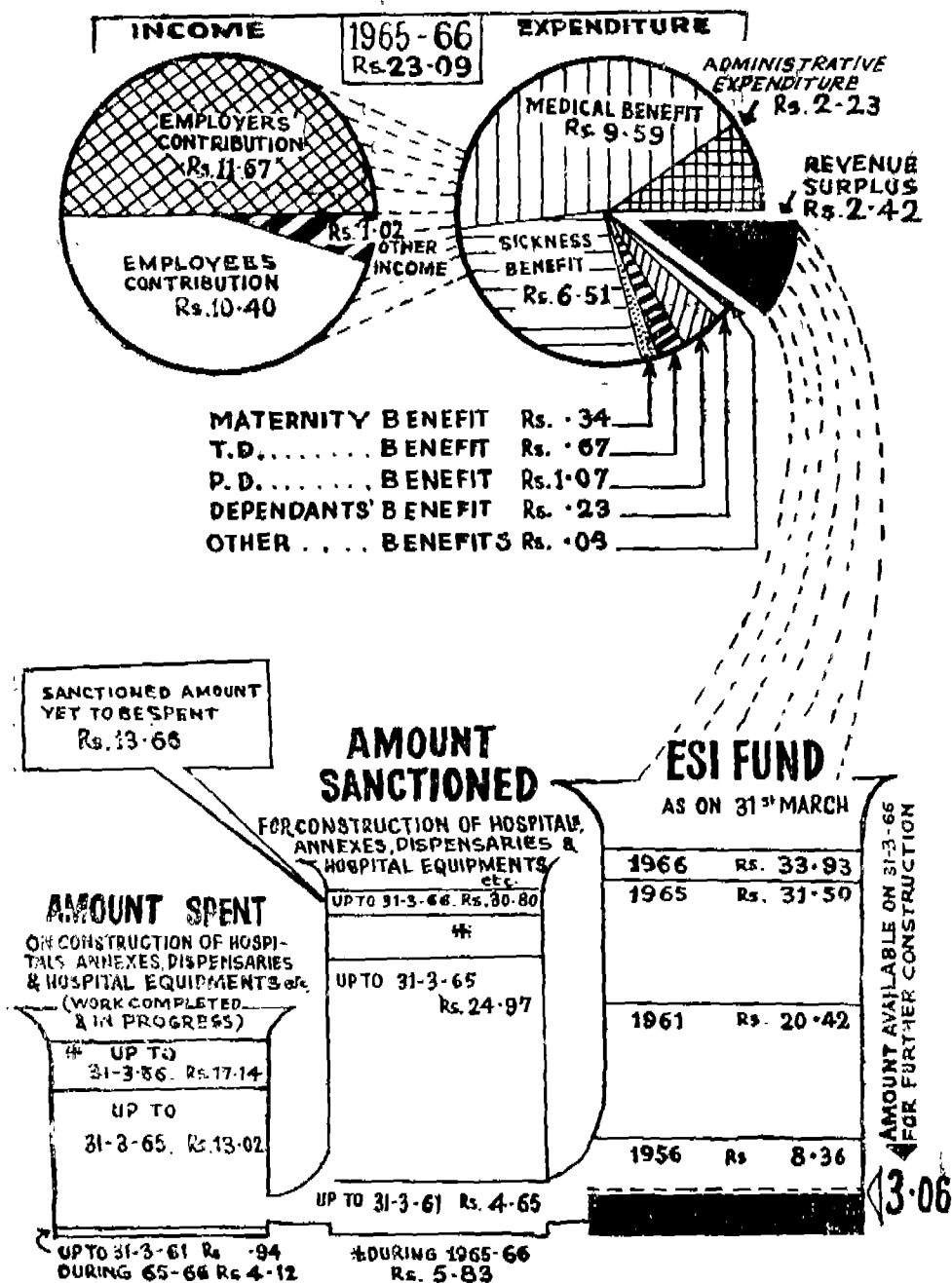
BENEFICIARIES



**HOSPITAL BEDS
(INCLUDING RESERVED BEDS)**



x PROVISIONAL

INCOME, EXPENDITURE, FUND & CAPITAL CONSTRUCTION

(RUPEES IN CRORES 1 CRORE = 10 MILLION)

1. Introduction.

1.1. An important event during the year was the implementation of the benefit provisions of the Employees' State Insurance Scheme in the District of Hooghly, West Bengal, with effect from 31-10-1965, thereby affording protection to about 1.17 lakhs insured persons in the area. Medical care of the 'restricted' (out-door general-practitioner) variety became available to the families of insured persons in this area with effect from 1-4-1966.

1.2. The year also witnessed the extension of the Employees' State Insurance Scheme to cover about 2.10 lakhs insured persons in 33 different centres in the States of Andhra Pradesh, Bihar, Gujarat, Kerala, Madras, Maharashtra, Mysore, Orissa, Punjab, Rajasthan and West Bengal; details will be found later in the Report. The difficulties due to the shortage of medical and para-medical personnel are real—all the same, State Governments continued their endeavours to re-enforce medical arrangements for the benefit of insured persons and members of their families.

Medical care was extended to families of insured persons in the following centres during 1965-66:—

State	Area	State	Area
Andhra Pradesh	Ramagundam, Nellore, Cuddapah, Kalahasti, Kuppam.	Maharashtra	Poona and adjoining centres
		Mysore	Davangere.
	Bhagalpur	Orissa	Bhubaneswar.
Gujarat	Rajkot Wankaner.	Punjab	Abohar Bahadurgarh, (Patiala), Dalmia-Dadri, Mathura, Road, Sherpur Kalan, Ghiaspur and Bhore (Ludhiana suburbs), Five Khasras of village Bhiwani, Jonpal.
Kerala	Shoranur, Ottappalam, Kundara, Kottarakara, Adoor, Ezhamkulam, Chathannur, Pooyapally, Kalluvathukal, Thrikovilvattam, Vettikkavala, Adichanallore, Perumbavoor, Chalakudy, Karuvannur, Kallettumkara.	Rajasthan	Ajmer, Kotah, Durgapur.
		Uttar Pradesh	Mohan Nagar (Ghaziabad suburbs), Sasni, Balwali, Ujhani, Pipri, Kheria.

Arrangements were made for the extension of hospital facilities to the families of insured persons at Hyderabad (Andhra Pradesh) with effect from 10 May 1965 and at Sirpur-Kagaznagar (Andhra Pradesh) with effect from 1 November 1965. Thus, the insured persons and their families at these centres are entitled to the same standards of medical benefit, i.e., full medical care (including hospitalization).

The position in regard to the nature of medical care provided for families in various States is as follows:—

(a) 'Restricted' medical care:

Assam, Kerala (except at Baliapattam, Korati and Udyogamandal), Madras (except at Coimbatore and its suburbs, Madras and its suburbs, Madurai and its outskirts, Mettur, Tuticorin and Vickramasingapuram), Maharashtra, Rajasthan, Uttar Pradesh, West Bengal (in 24-Parganas only).

(b) 'Expanded' medical care:

Andhra Pradesh, Bihar, Delhi, Gujarat, Madhya Pradesh, Mysore, Orissa, Punjab and West Bengal (only at Calcutta and Howrah).

(c) 'Full' medical care:

Only at Hyderabad and Sirpur-Kagaznagar in Andhra Pradesh.

13. Three more Hospitals were commissioned during the year—one in Bellur-Bally, West Bengal (100 beds), another in Serampore, West Bengal (166 beds) and the third in Amritsar, Punjab (25 beds only out of a total of 125 beds). There were, therefore, the following 14 full-fledged E.S.I. Hospitals working at the end of the year:—

Sl. No.	State	Place	Year of Commissioning	No. of beds (G—General TB—Tuberculosis)	
				G	TB
(i)	Mysore	Bangalore	1961	152	18
(ii)	Uttar Pradesh	Kanpur	1962	112	..
(iii)	Maharashtra	Bombay	1962	642	..
(iv)	Madras	Madras	1962	176	24
(v)	Bihar	Monghyr	1963	30	..
(vi)	Maharashtra	Worli, Bombay	1964	..	120
(vii)	Andhra Pradesh	Hyderabad	1964	150	..
(viii)	West Bengal	Kamarhati	1964	175	..
(ix)	West Bengal	Sealdah, Calcutta	1964	116	..
(x)	Andhra Pradesh	Sirpur-Kagaznagar	1965	30	..
(xi)	Orissa	Choudwar	1965	50	12
(xii)	West Bengal	Bellur-Bally	1965	100	..
(xiii)	West Bengal	Serampore	1965	150	16
(xiv)	Punjab	Amritsar	1966	25	..
TOTAL				1908	190
				= 2098	

The bed strength of the E.S.I. Hospitals in Bangalore, Kanpur, Madras, Sirpur-Kagaznagar, Amritsar, Hyderabad and Worli-Bombay will be raised by 130, 100, 300, 80, 00, 60 and 130 beds respectively. While civil works have been completed so far at Bangalore, Kanpur, Madras, Worli-Bombay, such works are still in progress at Sirpur-Kagaznagar, Amritsar and Hyderabad.

14. The following E.S.I. Hospitals (for the construction of which funds were sanctioned by the Corporation) were in various stages of construction at the close of the year:—

Serial No.	State	Place	No. of beds (G—General TB—Tuberculosis)	
			G	TB
(i)	Andhra Pradesh	Visakhapatnam	110	..
(ii)	Andhra Pradesh	Vijayawada	50	..
(iii)	Andhra Pradesh	Adoni	50	..
(iv)	Andhra Pradesh	Warangal	50	..
(v)	Bihar	Maithon	100	..
(vi)	Bihar	Dalmianagar	50	..
(vii)	Delhi	Delhi	620	..
(viii)	Delhi	Delhi	..	304
(ix)	Gujarat	Ahmedabad	500	..
(x)	Gujarat	Ahmedabad	..	200
(xi)	Kerala	Alleppey	55	..
(xii)	Kerala	Asramam	100	..
(xiii)	Kerala	Mulankunnathukavu	..	100
(xiv)	Kerala	Udyogamandal	120	..
(xv)	Kerala	Tinchur	60	..
(xvi)	Kerala	Perurkada, Trivandrum	50	..
(xvii)	Kerala	Paripally	..	100

Serial No.	State	Place	No. of beds G=General TB=Tuberculosis	
			G	TB
(xviii)	Kerala	*Aprookara, Kottayam	..	80
(xix)	Kerala	*Vadavathur	50	..
(xx)	Madhya Pradesh	Indore	225	..
(xxi)	Madhya Pradesh	Indore	..	75
(xxii)	Madhya Pradesh	Ujjain	50	15
(xxiii)	Madras	Coimbatore	475	25
(xxiv)	Madras	Madurai	177	25
(xxv)	Mysore	Dandeli	24	..
(xxvi)	Punjab	Faridabad	80	..
(xxvii)	Punjab	Ludhiana	80	..
(xxviii)	Punjab	Yamunanagar	60	..
(xxix)	Punjab	Jullundur	60	..
(xxx)	Uttar Pradesh	Kanpur	144	..
			(Maternity and Children)	
(xxxi)	Uttar Pradesh	Kanpur	..	180
(xxxii)	Uttar Pradesh	Modinagar	100	..
(xxxiii)	West Bengal	Budge-Budge	300	..
(xxxiv)	West Bengal	Uluberia	150	16
(xxxv)	West Bengal	Gaurhati	150	..
(xxxvi)	West Bengal	Bankara (Baltikuri)	300	..
(xxxvii)	West Bengal	Kalyani	300	..
TOTAL			4,640 +	1,120
			= 5,760	

Besides the above, construction work was in various stages of progress to increase the bed strength of seven of the existing E.S.I. Hospitals *vide* para 1.3 *ante*.

1.5. Plans and estimates for construction of the following E.S.I. Hospitals were sanctioned by the Corporation during the year:—

<i>Serial No.</i>	<i>State</i>	<i>Place</i>	<i>Approx. cost (in lakhs)</i>	<i>No. of beds (G=General TB-- Tuberculosis).</i>	
			Rupees	G	TB
(i)	Kerala	Ezhukonc	33.30	150	..
(ii)	Kerala	Aprookara	14.77	..	80
(iii)	Kerala	Vadavathur	9.71	50	..
(iv)	Kerala	Thottada	14.46	..	80
(v)	Madhya Pradesh	Raipur	13.80	..	75
(vi)	West Bengal	Gaurhati	63.20	150	..
(vii)	West Bengal	Budge-Budge	83.34	300	..
TOTAL			232.58	650	+235 =885

1.6. Six more E.S.I. Annexes were commissioned during the year—two in Punjab, one at Amritsar and another at Dharampur (both 12 bed T.B.) and four in Rajasthan—one each at Jodhpur, Udaipur, Bhilwara and Pall (20 bed General).

*Sanctioned and construction started in the year under report.

16 bed TB, 12 bed General and 12 bed General, respectively) There were, in all, the following E.S.I. Annexes working at the end of the year:—

Serial No.	State	Location	Year of Commissioning	No. of General beds	TB
(i)	Andhra Pradesh	TB Hospital, Irramnuma	1957	.	24
(ii)	Delhi	Irwin Hospital, Delhi		50	
(iii)	Delhi	SJ TB Hospital, Delhi		..	30
(iv)	Maharashtra	Mayo Hospital, Nagpur	1958	..	25
(v)	Madras	Govt. Hdqrs. Hospital, Coimbatore	1958	59	25
(vi)	Andhra Pradesh	KEM Hospital Secunderabad	1959	32	.
(vii)	Madras	Govt. Hospital, Sivakasi	1961	12	..
(viii)	Rajasthan	KGV Sanatorium, Jaipur	1961		15
(ix)	Mysore	SDS Sanatorium, Bangalore	1962	..	32
(x)	Madras	TB Sanatorium, Tambaram	1963	..	52
(xi)	Kerala	TB Sanatorium, Pulayanarkotta	1964	..	24
(xii)	Madras	Govt. Hospital, Lalgudi	1964	10	..
(xiii)	Punjab	RJV Kesri Devi Sanatorium, Amritsar	1965	..	12
(xiv)	Punjab	TB Sanatorium, Dharampur	1965	..	12
(xv)	Rajasthan	MG Hospital, Jodhpur	1965	20	..
(xvi)	Rajasthan	TB Sanatorium, Bari (Udaipur)	1965	..	16
(xvii)	Rajasthan	MG Hospital, Bhilwara	1966	12	..
(xviii)	Rajasthan	Bangar State Hospital, Pali	1966	12	..
TOTAL				207	267

1.7. The following 3 E.S.I. Annexes were in various stages of construction :—

	No. of beds	
	General	Tuberculosis
1. TB Sanatorium, Itki (Bihar)	..	20
2. T.B. Hospital, Nagercoil (Madras)	..	
3. Govt. Hospital, Kovilpatti (Madras)	32	..
TOTAL	32	46

1.8. It will be seen that civil works were in progress by way of construction of E.S.I. Hospitals and Annexes so as to provide further 5,402 General and 1,336 TB beds (i.e., 6,738 beds in all) for the exclusive use of insured workers, and in due course, members of their families.

1.9. The year under review saw a large number of full-fledged E.S.I. Dispensaries housed in buildings owned by E.S.I. Corporation in several States. Brief details are given below:—

Serial No.	State	Place	No. of Dispensaries	No. of sanctioned Insurance Medical Officers
(i)	Andhra Pradesh	Nellore	1	4
(ii)	Gujarat	Ahmedabad	1	4
(iii)	Kerala	Pattathanam	1	3
(iv)	Kerala	Thoppumoodu	1	2
(v)	Kerala	Udyogamandal	1	2
(vi)	Kerala	Pathirapally	1	5
(vii)	Rajasthan	Sawai Madhopur	1	3
(viii)	Madhya Pradesh	Satna	1	2
(ix)	Madhya Pradesh	Ratlam	1	4
(x)	Madras	Sembiana	1	5
(xi)	Madras	Mettur Dam (Lower)	1	3
(xii)	Madras	Vellalore	1	3
(xiii)	Madras	Upplipalayam	1	5
(xiv)	Madras	Singanalur	1	10
(xv)	Madras	Red Hills	1	3
(xvi)	Madras	Tiruvottiyur	1	10
(xvii)	Madras	Sowripalayam	1	5
(xviii)	Madras	Paianganatham	1	10
(xix)	Uttar Pradesh	Nawabganj, Kanpur	1	4
(xx)	Uttar Pradesh	Jajmau, Kanpur	1	4
(xxi)	Uttar Pradesh	Kabari Market, Kanpur	1	3
(xxii)	Uttar Pradesh	Raipurwa, Kanpur	1	5
TOTAL			22	99

The Corporation sanctioned during the year Rs. 74.32 lakhs for the construction of 17 E.S.I. Dispensaries and staff quarters in various parts of the country.

In addition, the Corporation also sanctioned Rs. 226.84 lakhs for upward revision of original estimates, acquisition of lands for hospitals, dispensaries etc. and for purpose of equipment.

The Corporation owned 76* E.S.I. Dispensaries manned by 329 Insurance Medical Officers (sanctioned) working at the end of the year.

1.10. The following figures indicating the amounts sanctioned by the Corporation for capital construction of E.S.I. Hospitals, Annexes, Dispensaries and staff quarters may be of some interest:—

	Rupees in lakhs
Till 1959-60	143.47
During 1960-61	193.15
During 1961-62	503.59
During 1962-63	380.38
During 1963-64	597.76
During 1964-65	512.08
During 1965-66	526.87
TOTAL	2,857.30

The actual expenditure on capital account (hospitals, dispensaries and equipment) during the year 1965-66 was Rs. 389.05 lakhs. As the supply position of the raw materials, especially cement, eases it is hoped that further progress will be possible in completing the buildings sanctioned.

*Includes 6 State Insurance Dispensaries owned by Central Government.

1.11. The Chief Architect of the Directorate General of Health Services is working out the detailed drawings of the 620-bed E.S.I. General Hospital and 304-bed T.B. Hospital in Najafgarh Industrial Area, New Delhi. The construction of some of the staff quarters has already been taken in hand.

1.12. During the year under review, the Corporation disbursed about Rs. 886 lakhs by way of cash benefits; its share of cost of medical benefits during the period was estimated at about Rs. 960 lakhs. It is of interest to note that the Budget for 1966-67 provides for a sum of about Rs. 1,117 lakhs as the Corporation's share of medical benefits.

1.13. The chart 'ESIC at a Glance' gives some indication of the progress made by the Corporation under various heads since the E.S.I. Scheme was first introduced on 24 February 1952. For convenience the figures have been arranged to show the position on 31-3-1961, 31-3-1965 and 31-3-1966 and the achievements during 1965-66 and the entire Third Plan Period. A new chart has also been added this year indicating the progress made in the three Plan Periods in respect of certain important features, viz., coverage, hospital beds, number of Insurance Medical Officers/Insurance Medical Practitioners and capital construction.

2 Progress in Implementation.

During the year under review, the Scheme was implemented in the following further areas in the States mentioned below:—

State	Place	Coverage
Andhra Pradesh	Ramagundam, Nellore, Cuddapah, Kalahasti, Kuppam.	For insured persons and families
Bihar	Bhagalpur	For insured persons and families
Guajrat	Rajkot, Wankaner.	For insured persons and families.
Kerala	Korati and adjoining areas.	For insured persons only.
	Shoranur, Ottappalam.	For insured persons and families.
Madras	‡Perur-Chettipalayam, †Thirumangalam.	For insured persons only.
Maharashtra	Poona and adjoining centres, *Nanded, *Kolhapur.	For insured persons and families.
Mysore	Davangere.	For insured persons and families*
Orissa	Bhubaneswar	For insured persons and families*
Punjab	‡Sherpur Kalan, †Ghiaspur and †Bhore (Ludhiana Suburbs), ‡Five Khasras of Village Bhiwani and Jonpal. *Bahadurgarh (Rohtak), *Bal-labgarh, *Goraya, *Gurgaon, *Khanna, *Phillaur, *Rohtak, *Sirhand.	For insured persons and families
Rajasthan	Ajmer, Kotah, †Durgapur.	For insured persons and families.
West Bengal	£ Hoogly Distt.	For insured persons and families

The number of additional employees covered during the year was about 1.89 lakhs and after taking into account the variations in the number of insured employees in the areas already implemented, the total number of employees as covered at the close of the year stood at about 31.29 lakhs. At the close of the year, the Scheme was in force in 259 centres in all the States and the Union Territory of Delhi.

* Medical care was extended to the families of the insured persons at these places after the close of the year under report—13 weeks after the date of implementation.

‡ Not independent centre.

£ Constitutes 7 independent centres

3. Extension of medical care to the families of insured persons.

During the year under report, medical care was extended to about 1.43 lakhs family (I.Ps.) units (i.e. about 4.12 lakhs of additional family members of beneficiaries) in the following 10 States with effect from the dates shown against each:—

State	Area	No. of family (I.Ps.) units as on 31-3-1966	Date of extension
Andhra Pradesh	Ramagundam	900	1-8-1965
	Nellore	550	16-1-1966
	Cuddapah	700	27-2-1966
	Kalahasti	600	20-3-1966
	Kuppam	550	27-3-1966
Bihar	Bhagalpur	1,300	27-3-1966
Gujarat	Rajkot	6,650	27-2-1966
	Wankaner	2,450	27-2-1966
Kerala	Shoranur	1,200	26-12-1965
	Ottappalam	800	26-12-1965
	Kundara	15,250	20-2-1966
	Kottarakara	5,150	20-2-1966
	Adoor	3,950	20-2-1966
	Ezhamkulam	1,300	20-2-1966
	Chathanur	1,500	20-2-1966
	Pooyapally	2,250	20-2-1966
	Kalluvathukal	2,800	20-2-1966
	Thrikovilvattam	3,550	20-2-1966
	Vettikkavala	2,800	20-2-1966
	Adichanalore	2,450	20-2-1966
	Perumbavoor	2,050	24-3-1966
	Chalakudy	850	27-3-1966
	Karuvannur	1,050	27-3-1966
	Kallettumkara	1,200	27-3-1966
Maharashtra	Poona and adjoining centres	39,350	14-11-1965
Mysore	Davangere	6,250	2-1-1966
Orissa	Bhubaneswar	950	16-1-1966
Punjab	Abohar	2,400	23-5-1965
	Bahadurgarh (Patiala)	700	23-5-1965
	Dalmia-Dadri	1,200	23-5-1965
	Mathura Road	10,450	23-5-1965
	Sherpur Kalan, Ghiaspur and Bhore (Ludhiana Suburbs)	1,050	4-7-1965
	Five Khasras of Village Bhiwani, Jonpal		
		(already included in Bhiwani)	6-3-1966
Rajasthan	Ajmer	1,000	29-8-1965
	Kotah	5,300	14-11-1965
	Durgapur	(already included in Jaipur)	13-3-1966
Uttar Pradesh	Mohan Nagar (Ghaziabad Suburbs)	6,250	27-6-1965
	Sasni	1,350	27-6-1965
	Balwali	1,050	27-6-1965
	Ujhani	550	27-6-1965
	Pipri	2,400	27-6-1965
	Kheria	800	27-6-1965
TOTAL		1,42,900	

After taking into account the variations in employment in the areas already covered, the total number of family (I.P.s.) units included for family medical care at the close of the year, stood at about 30.34 lakhs i.e. about 121.43 lakhs of family members, including the insured person himself).

4. Extension of the Scheme.

Progress made in different States was as follows:—

Andhra Pradesh.

It was proposed to extend the Scheme to seven centres, out of which the Scheme was extended to five centres, viz., Ramagundam, Nellore, Cuddapah, Kalahasti and Kuppam with effect from 2 May, 17 October, 28 November, 19 December and 26 December, 1965, respectively.

Medical plans and estimates for the extension of Scheme to Gudur, Yemmiganur, Chirala and Macherla have been approved and target dates are awaited from the State Government.

Bihar.

It was proposed to extend the Scheme to seven centres but the Scheme was extended only to Bhagalpur with effect from 26 December 1965.

Gujarat.

Of the nine areas included in the phased programme of implementation the Scheme was extended to Rajkot and Wankaner with effect from 28 November 1965. The State Government is proposing to extend the Scheme to Petlad and Cambay during the year 1966-67.

Kerala.

It was proposed to extend the Scheme to nine centres during the year, out of which the Scheme was extended to three centres, viz. Korati and its adjoining areas, Shoranur and Ottappalam with effect from 25 April, 26 September, and 26 September, 1965, respectively.

Madras.

Originally eight centres were included in the phased programme for extension of the Scheme, but the Scheme was extended to two areas, viz., Peruchettipalayam Village in the suburbs of Coimbatore and Thirumangalam with effect from 1 August 1965 and 30 January 1966, respectively, during the year under report.

Maharashtra.

It was proposed to extend the Scheme to thirteen centres during the year 1965-66 but the Scheme could be extended only to three centres, viz. Poona and its adjoining areas, Nanded and Kolhapur with effect from 15 August 1965, 20 March and 27 March, 1966, respectively.

Mysore.

Of the six areas included in the phased programme, the Scheme could be extended only to Davangere with effect from 3 October 1965.

Orissa.

It was proposed to extend the Scheme to four centres, out of which the Scheme was extended only to Bhubaneswar with effect from 17 October 1965.

Punjab.

It was proposed to cover seven centres under the Scheme during the year under report, but the Scheme was extended to twelve areas, viz. Sherpur Kalan, Ghiaspur and Bhore villages with effect from 4 April 1965, five Khasras of village Bhiwani and Jonpal from 5 December 1965, and Bahadurgarh (Rohtak), Ballabhgarh, Goraya, Gurgaon, Khanna, Phillaur, Rohtak and Sirhind from 27 February 1966.

Rajasthan.

Four centres were included in the phased programme of implementation for the year 1965-66, but the Scheme was extended to three areas, viz. Ajmer, Kotah and Durgapur with effect from 30 May, 15 August and 12 December, 1965, respectively.

West Bengal.

It was originally proposed to extend the Scheme to four centres, out of which the Scheme was extended only to Hooghly District with effect from 31 October 1965.

COMMISSIONS, COMMITTEES AND CONFERENCES

5. Corporation.

The E.S.I. Corporation held two meetings on 6 August 1965 and 22 March 1966. Important decisions arrived at these meetings are given in Appendix I.

6. Standing Committee.

The Standing Committee of the E.S.I. Corporation held two meetings on 5 August 1965 and 21 March 1966. Important decisions arrived at these meetings are given in Appendix II.

7. Medical Benefit Council.

The Medical Benefit Council held two meetings on 11 June 1965 and 17 February 1966. Important recommendations of the Council are given in Appendix III.

8. Regional Boards.

At the end of the year, Regional Boards were functioning in all the States. The number of meetings held by various Regional Boards during the year is given below:—

Name of the Regional Board	Number and date of the meetings
Andhra Pradesh	2 3-6-1965 and 25-10-1965.
Bihar	3 15-4-1965, 26-10-1965 and 4-1-1966.
Gujarat	4 23-1-1965, 21-5-1965, 12-8-1965 and 21-1-1966.
Madhya Pradesh	1 7-1-1966.
Madras	2 8-4-1965 and 6-12-1965.
Maharashtra	1 14-8-1965.
Mysore	1 5-11-1965.
Punjab	1 29-3-1966.
Uttar Pradesh	1 18-5-1965.
West Bengal	3 6-1-1965, 2-8-1965 and 15-9-1965.

The Regional Boards in Assam, Orissa, Kerala and Rajasthan did not meet during the year.

9. Local Committees.

Under Regulation 10-A of the E.S.I. (General) Regulations, 1950, 12 more Local Committees were established at the following places during the period under report:—

Name of the Region	Area(s) for which set up
Andhra Pradesh	1. Hyderabad. 2. Vijayawada.
Assam	1. Jorhat.
Madras	1. Vellore. 2. Gudiyatham. 3. Nagercoil.
Maharashtra	1. Kuria. 2. Andheri.
Mysore	1. Gulberga. 2. Gokak.
West Bengal	1. 24-Parganas (South area). 2. 24-Parganas (North area).

At the close of the year, 113 Local Committees (including one *ad-hoc* Committee in Delhi) were functioning throughout the country.

ADMINISTRATION**10. Regional Organisation.**

15 Regional Offices, 1 Sub-Regional Office, 225 Local Offices, 35 Sub-Local Offices, 146 Pay Offices and 93 Inspection Offices were functioning in all the States and the Union Territory of Delhi, as on 31 March 1966.

11. Strength of Staff.

The total authorised strength of officers and staff in the Corporation as on 31 March 1966 was 6,179 as against 5,477 as on 31 March 1965. The staff authorised for various Regions as on 31 March 1966 is shown in Appendix IV (Part I). The staff authorised for the office of the Administrative Medical Officer, Delhi, is shown in part II of the said Appendix.

12. Publicity.

Inaugural functions were held at important places where the Scheme was implemented during the year or where the E.S.I. Hospitals or Dispensaries were opened.

The production of a Documentary Film on E.S.I. Scheme by the Films Division was in its final stage at the close of the year.

A number of talks and discussions in different languages were broadcast over the various stations of All India Radio. Lectures were also delivered by the officers of the Corporation to the workers at different centres.

News items and articles giving periodical progress of the Scheme were published in many important newspapers in English and regional languages.

A close liaison continued to be maintained with all the parties concerned in order to ensure smooth working of the Scheme. Doubts of employers, insured persons and Trade Unions' representatives who approached the Regional Offices/Local Offices, were also cleared.

13. Training of Local Office Managers and Insurance Inspectors.

Keeping in view the need and utility of imparting training to the Corporation employees, it was decided to hold 3 training courses at Kanpur, Calcutta and Bangalore during the period under report.

In pursuance of the training programme, one training course was held for Local Office Managers and Insurance Inspectors at Kanpur from 9 August 1965

to 21 August 1965 and 18 trainees from Bihar, M.P. and U.P. Regions were imparted training. The other two training courses were suspended due to emergency.

Besides the departmental lecturers, some distinguished guest speakers were also invited in the training course to deliver talks on various subjects having a bearing on the Scheme of Social Security.

14. Training of fellows from abroad in Social Security in India.

The Government of India afforded fellowships for training in Social Security in India to Messrs. Mohd. Yusuf Sheikh and Baqar Ali Khan from Pakistan, under the I.L.O. Expanded Programme of Technical Assistance. The Corporation provided training facilities to these two *Fellows* for their training under the E.S.I. Scheme.

15. Training abroad in Social Security.

Under the Colombo Plan, the E.S.I. Corporation deputed Dr. N. Krishnaswamy, Deputy Medical Commissioner, to the United Kingdom, from 24 April 1965 to 31 August 1965, for training in the field of Social Security (with emphasis on the medical side). Also under the same programme, Shri V. Sivaraman, Administrative Officer, was deputed to the United Kingdom from 7 October 1965 to 20 February 1966, for training in the field of Social Security (with emphasis on the administration side).

16. I.L.O. Second Asian Regional Training Course in Planning and Administration of Social Security.

The Second Asian Regional Training Course in Planning and Administration of Social Security was held in Tokyo from 4 September to 1 October 1965 by the International Labour Office in collaboration with the International Social Security Association and the Government of Japan. On behalf of the International Social Security Association, Shri V. N. Rajan, Director General of the E.S.I. Corporation, was deputed by the Corporation from 4 September to 10 September 1965 to deliver lectures at the said Course on "Administrative practice to ensure proper development of the operation of Sickness and Maternity Insurance, and to facilitate their future extension". In addition, Shri A. N. Ambo, Joint Insurance Commissioner of the E.S.I. Corporation, was deputed as a trainee to this Course for its entire period as an I.L.O. assisted candidate.

17. Technical Co-operation Scheme of the Colombo Plan.

On the request of the Government of Malaysia, the Government of India has deputed Shri A. N. Ambo, Joint Insurance Commissioner of the E.S.I. Corporation, to Malaysia as Government of India Expert under the Technical Co-operation Scheme of the Colombo Plan to assist the Government of Malaysia in drafting a Pension Scheme for permanently incapacitated persons. The deputation is for a period not exceeding one year. Shri A. N. Ambo, Joint Insurance Commissioner, reported in Kuala Lumpur on 4 October 1965.

18. Second Regional Conference of I.S.S.A. for Asia and Oceania.

The Second Regional Conference of International Social Security Association for Asia and Oceania was held in New Delhi from 13 to 18 December 1965. The Conference was convened by the International Social Security Association and the Government of India (the then Department of Social Security) in co-operation with the E.S.I. Corporation and the Employees' Provident Fund. Delegates from Ceylon, India, Iran, Israel, Japan, Malaysia, Philippines, Turkey, U.S.S.R. and officials from the International Labour Organisation and International Social Security Association Headquarters at Geneva attended the said Conference.

The E.S.I. Corporation actively participated in this Conference. The Director General (Shri V. N. Rajan) represented the President of the International Social Security Association. The Director General was also the Chairman of the meetings of the Regional Medico-Social Committee for Asia and Oceania. The delegation of the Corporation consisted of the Five Principal Officers and four officers as observers. The Corporation also participated in the Exhibition organised in Vigyan Bhavan for the benefit of the delegates; various Charts and Graphs showing the upto-date progress of the Scheme were exhibited.

COVERAGE

19. Number of employees etc. covered (Appendices V and VI)

Appendices V and VI give particulars regarding coverage under the Scheme. About 17,103 factories were covered under the Scheme as on 31-3-1966 as against 15,677 a year back. Of these, about 15,028 factories were in the implemented centres—the corresponding number last year being 13,099—and the remaining 2,075 factories in the areas yet to be implemented. The total number of employees in the 259 implemented centres was about 31.29 lakhs; the number of employees in areas yet to be covered was about 6.38 lakhs. The number of insured persons entitled to medical treatment was about 34.05 lakhs and the number of family (insured person) units about 30.34 lakhs. In all, the total number of beneficiaries entitled as on 31-3-1966 to medical treatment, including the insured persons, was estimated at 121.43 lakhs.

IMPROVEMENTS IN THE STANDARD OF MEDICAL CARE

20. Construction of hospitals and dispensaries.

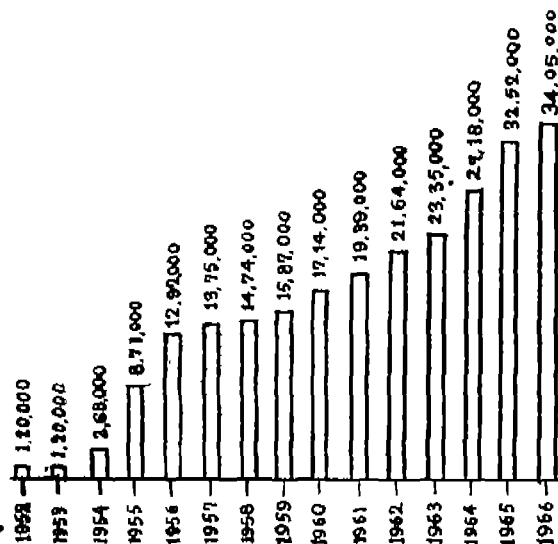
During the year under report, the following buildings for hospitals, annexes and dispensaries under the E.S.I. Scheme were completed and commissioned from the dates shown against each:—

Place	Particulars	Date on which Commissioned
Hospitals		
1. Bellur-Bally (West Bengal)	100-bed E.S.I. Hospital, (Bally)	April, 1965
2. Serampore (West Bengal)	166-bed E.S.I. Hospital	2-8-1965
3. Amritsar (Punjab)	25-beds out of 125 bedded E.S.I. Hospital	1-3-1966
Annexes		
4. Amritsar (Punjab)	12-bed T.B. Annexe (Amritsar)	1-4-1965
5. Dharampur (Punjab)	12-bed T.B. Annexe (Dharampur)	1-4-1965
6. Jodhpur (Rajasthan)	20-bed Ward in M.G. Hospital	25-8-1965
7. Bhilwara (Rajasthan)	12-bed Ward in M.G. Hospital	12-3-1966
8. Pali (Rajasthan)	12-bed Ward in Bangar State Hospital (Pali)	15-3-1966
9. Udaipur (Rajasthan)	16-bed T.B. Ward in T.B. Sanatorium, Bari	25-8-1965
Dispensaries		
10. Nallimarla (Andhra Pradesh)	4-doctored S.I. (State Insurance) Dispensary	5-5-1965
11. Ahmedabad (Gujarat)	4-doctored S.I. Dispensary 64/P Khokhra Mehmedabad	14-5-1965
12. Pattathanam (Kerala)	3-doctored S.I. Dispensary	6-9-1965
13. Thoppumpady (Kerala)	2-doctored S.I. Dispensary	28-8-1965
14. Udyogamandal (Kerala)	2-doctored S.I. Dispensary	1-12-1965
15. Pathirapally (Kerala)	5-doctored S.I. Dispensary	1-1-1966
16. Ratlam (Madhya Pradesh)	4-doctored S. I. Dispensary, Jawahar Nagar	2-10-1965
17. Satna (Madhya Pradesh)	2-doctored S.I. Dispensary	2-10-1965
18. Sembium (Madras)	5-doctored S. I. Dispensary	19-7-1965
19. Mettur Dam (Lower) (Madras)	3-doctored S. I. Dispensary	8-12-1965
20. Vellalore (Madras)	3-doctored S. I. Dispensary	9-1-1966
21. Upplipalayam (Madras)	5-doctored S.I. Dispensary	16-1-1966
22. Singanallur (Madras)	10-doctored S.I. Dispensary	24-1-1966
23. Tiruvottiyur (Madras)	10-doctored S.I. Dispensary	31-1-1966
24. Red-Hills (Madras)	3-doctored S.I. Dispensary	28-3-1966
25. Sowripalayam (Madras)	5-doctored S.I. Dispensary	11-2-1966
26. Palanganatham (Madras)	10-doctored S.I. Dispensary	12-2-1966
27. Sawaimadhopur (Rajasthan)	3-doctored S.I. Dispensary	23-5-1965
28. Kanpur (Uttar Pradesh)	4-doctored S.I. Dispensary, Nawabganj	8-6-1965
29. Kanpur (Uttar Pradesh)	4-doctored S.I. Dispensary, Jaimau	15-12-1965
30. Kanpur (Uttar Pradesh)	5-doctored S.I. Dispensary, Raipura	22-12-1965
31. Kanpur (Uttar Pradesh)	3-doctored S.I. Dispensary, Katarimarkat	1-1-1966

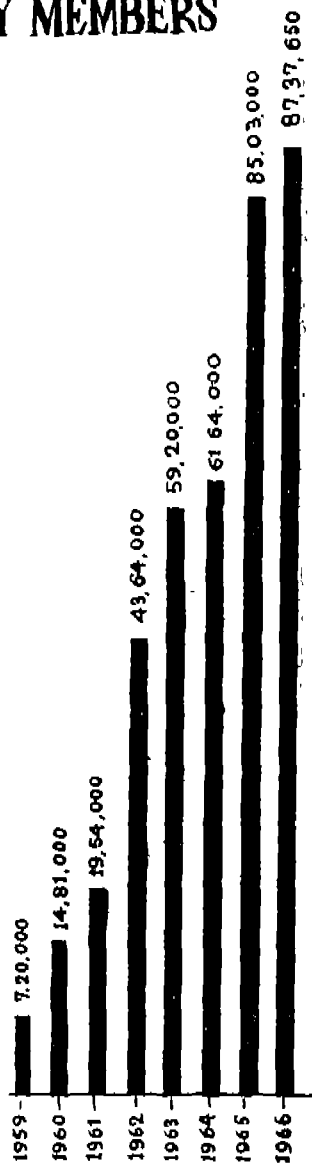
NO. OF INSURED PERSONS & FAMILY MEMBERS

YEARS	TOTAL NO. OF BENEFICIARIES (INSURED PERSONS & FAMILY MEMBERS)
1959	23,07,000
1960	31,95,000
1961	38,93,000
1962	65,28,000
1963	82,55,000
1964	88,82,000
1965	1,17,55,000
1966	1,21,42,650

RS ON 31st MARCH



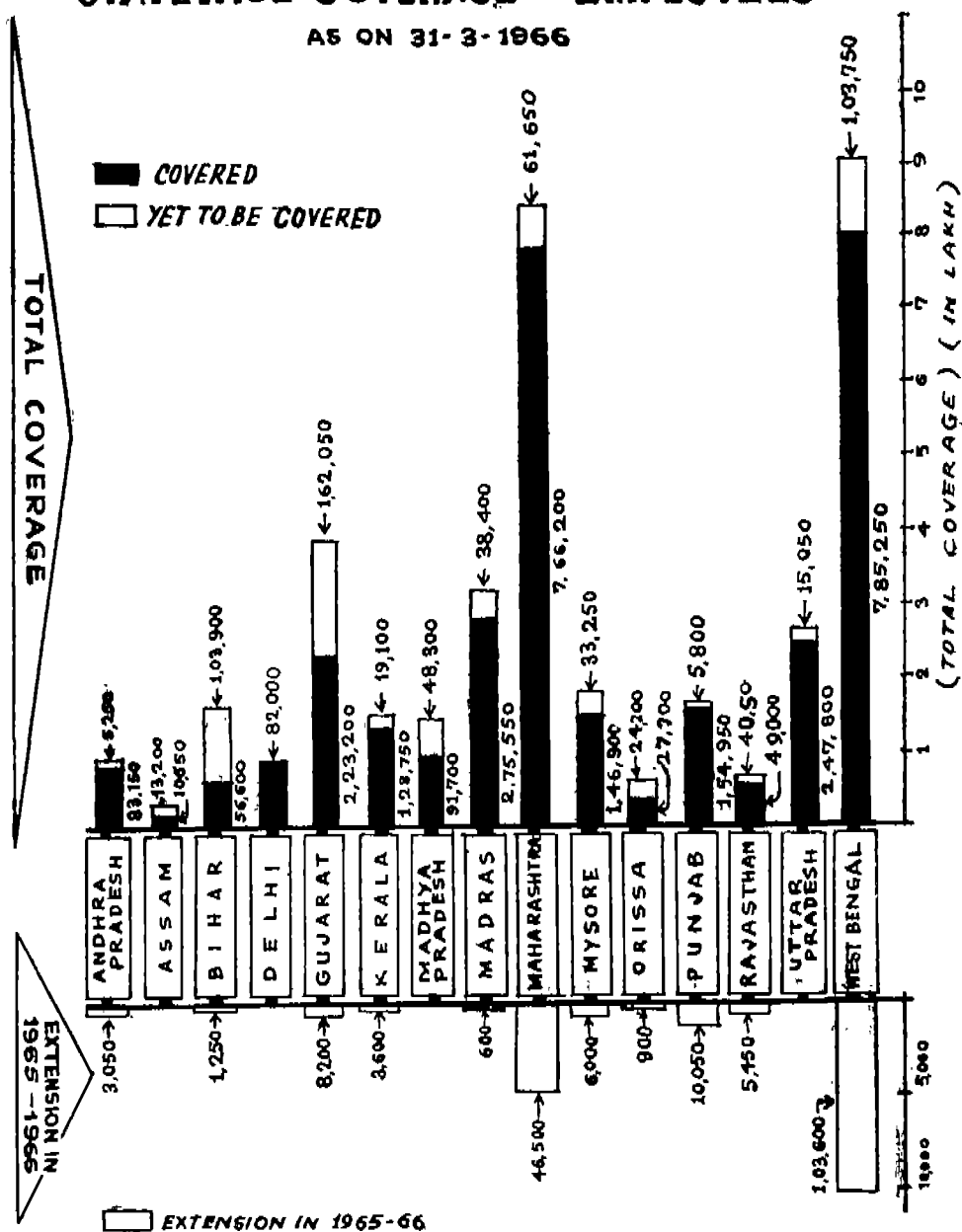
INSURED
PERSONS



FAMILY
MEMBERS

STATEWISE COVERAGE OF EMPLOYEES

AS ON 31-3-1966



During the year, sanctions were accorded to the plans and estimates for 25 new E.S.I. projects and of these, construction work on 4 was taken up. At the case of the year, construction was in progress in respect of 40 E.S.I. Hospital buildings, 3 Annexes and 44 State Insurance (S.I.) Dispensary buildings, at various centres.

The position with regard to the construction of hospitals, annexes, and dispensaries etc. at the close of the year in different States was as under—

Andhra Pradesh.

(a) *Hospitals*: (i) *150 bed E.S.I. Hospital, Hyderabad.*—To begin with, the hospital was commissioned with a limited number of beds on 29 March 1964. Action to increase the bed strength to 150 was taken by the State Government. The plans and estimates amounting to Rs. 4.96 lakhs for additional 60 beds, so as to increase the bed strength to 210, were approved by the Corporation during the year under report. The work was started on the additional 60 beds and was likely to be completed by September 1966.

Land measuring 2 acres and a pucca tiled building thereon was acquired for construction of staff quarters.

(ii) *110-bed E.S.I. Hospital, Sirpur-Kagaznagar.*—The construction of 30 beds on the ground floor was completed and commissioned on 1 January 1965. Staff quarters were also completed. Plans and estimates for the construction of additional 40-General and 40-T.B. beds amounting to Rs. 6,60,000 and Rs. 1,57,600 respectively were approved, thus raising the bed strength of the hospital to 110. In addition, a sum of Rs. 41,600 was sanctioned for a ground level reservoir during the year. The construction of the two wards was expected to be completed by December 1966.

(iii) *110-bed E.S.I. Hospital, Visakhapatnam.*—The Corporation accorded sanction to the revised plans and estimates amounting to Rs. 34.23 lakhs for the hospital building and staff quarters. The construction of hospital building was completed upto basement level and R.C.C. columns for the frame structure were laid upto 8 feet height. The construction of staff quarters was in progress. A sum of Rs. 6 lakhs was sanctioned for equipment of the hospital.

(iv) *50-bed E.S.I. Hospital, Vijayawada.*—The construction work was in good progress. The flooring and roof slab of the main hospital building were being laid. The work on staff quarters was completed upto the 1st floor roof slab level. The construction was likely to be completed by 1st July 1966.

The plans and estimates were revised and a revised sum of Rs. 19.80 lakhs was sanctioned. An amount of Rs. 2,00,000/- was sanctioned for the construction of additional 40-bed T.B. Ward, which would raise the bed strength to 90. A sum of Rs. 3 lakhs was sanctioned for equipment.

(v) *50-bed E.S.I. Hospital, Adoni.*—Revised plans and estimates amounting to Rs. 18.80 lakhs were sanctioned by the Corporation. Additional land measuring 3.82 acres was also acquired at a cost of Rs. 52,176 for the construction of staff quarters, 30-bed Annexe and 4-doctored S.I. Dispensary building.

Construction of the hospital building was started and the work was in progress.

(vi) *50-bed E.S.I. Hospital, Warangal.*—Construction work of the hospital building was in progress. The construction of staff quarters for Medical Officers, Nurses, Lower Division Clerks, Technicians and the Nurses hostel was almost complete and electric fittings were in progress.

Sanction for revised estimates amounting to Rs. 15.80 lakhs for construction of hospital and staff quarters and another 3 lakhs for cost of equipment was also accorded.

(vii) *50-bed E.S.I. Hospital, Rajahmundry.*—Acquisition proceedings for land measuring 6.05 cents were in final stages. A sum of Rs. 1,53,882/49 Paise was paid for the purpose.

(b) *Dispensaries.*—The construction of the 4-doctored S.I. Dispensary building and staff quarters at Nellimarla was completed and commissioned from 5 May 1965.

Construction work of the 11nd set of 4-doctored S.I. Dispensary building and staff quarters at Sirpur-Kagaznagar was almost complete and the finishing work thereon was in good progress. The dispensary was expected to be commissioned before 31st March 1966.

Construction work of the 3-doctored S.I. Dispensary with staff quarters at Kakinada and 2-doctored S.I. Dispensary with staff quarters at Renigunta which was started recently was progressing. It was likely to be completed by 31 December 1966.

Plans and estimates amounting to Rs. 5,15,000/- were sanctioned by the Corporation for the construction of 5-doctored S.I. Dispensary building and staff quarters at Sanathnagar, Hyderabad. Construction was started and the work was in progress.

Plans and estimates amounting to Rs. 4,22,000/- for construction of a 2-doctored S.I. Dispensary and staff quarters at Guntur were also sanctioned by the Corporation.

Bihar

(a) *Hospitals*: (i) *100-bed E.S.I. Hospital, Maithons*: Civil portion of the work and the water supply installation in the hospital building were almost complete. Electrification was also nearing completion. The hospital was likely to be commissioned shortly.

(ii) *50-bed E.S.I. Hospital, Dalmianagar*: Roof casting of the hospital building was complete: wood work was taken up and the roads were being laid. Public Health and Engineering Department portion of the work was also in progress. Estimates amounting to Rs. 4.22 lakhs for electric portion of the work, viz. electrification, air-conditioning etc. were sanctioned. The hospital is expected to be completed in 1966-67.

(iii) *100-bed T.B. Hospital, Kanti (Hazaribagh)*: The land acquisition proceedings for construction of hospital building and staff quarters were reported to be in final stage. The plans and estimates for construction of the hospital were under examination of the Corporation.

(b) *Annexes*: *20-bed T.B. Annexe, Itki Sanatorium, Ranchi*: Construction of the annexe building was nearing completion.

(c) *Dispensaries*: The construction work on the 2-doctored S.I. Dispensary building at Phulwari Sharif, Patna, had reached roof level and the wood-work on staff quarters was in progress. The Corporation sanctioned estimates amounting to Rs. 37,860/- for electric installations, water supply and sanitary installations and the work orders were being issued by the State Government.

Plans and estimates amounting to Rs. 2,05,150/- for construction of 3-doctored S.I. Dispensary building and 14 Nos. staff quarters at Banjari (Shahbad) were sanctioned by the Corporation.

Revised estimates for construction of 1-doctored S.I. Dispensary building at Ambona were being prepared by the State Government. The plans and estimates for construction of S.I. Dispensaries at Digha, Patna City, Katihar, Monghyr, Muktapur, Kumardhubi, Nirsa and Chanch were under preparation/examination of the State Government.

Delhi

(a) *Hospitals*: *620-bed E.S.I. General Hospital and 304-bed E.S.I. T.B. Hospital*: Construction work on the staff quarters of the two hospitals was started and the work was in progress. The approval of the Delhi Municipal Corporation to the lay out plans was still awaited.

Gujarat

(a) *Hospitals*: (i) *500-bed E.S.I. General Hospital, Ahmedabad*: The construction of the hospital building was started from 27 January 1966 and was in progress. Excavation for Blocks A, B, C and D was started. Plinth beams and masonry work for J and K Blocks was in progress. Columns footings and plinth columns for E, F and G Blocks were being completed.

(ii) *200-bed E.S.I. T.B. Hospital, Ahmedabad*: Brick and plastering work in O.P.D. and Admn. Block was nearly complete. Brick work on 1st floor was in progress. Structural work on Ground Floor in A.P.W. was also in progress.

Sanction was also accorded to the estimates amounting to Rs. 2,59,000/- towards installation of 4 lifts in the hospital.

(b) *Dispensaries*: Of the 42 proposed S.I. Dispensary buildings at Ahmedabad, 29 were completed and commissioned during the year 1964-65. One building was completed during the year under report at F. 64/P of Khokhra Mehmedabad and commissioned from 14 May 1965. Construction in respect of 2-doctored S.I. Dispensary at 339-444 at Paldi was almost complete and the finishing work was in progress. The work in respect of 5-doctored S.I. Dispensary at CTS 2943-2950 of Saraspur was also in full swing. Of the remaining 10 dispensaries, lands in respect of one was in possession.

The proceedings for acquisition of land and building known as "Rambagh Bungalow" situated on Sub-Plots Nos. 11 and 12 of F.P. 66 of Maninagar Town Planning Scheme were still pending at the close of the year.

Sanction was also accorded for acquisition of land measuring 4665 sq. yds. at 240/P of Dariapur-Kazipur for construction of a 4-doctored S.I. Dispensary building and staff quarters.

Sanction was accorded towards additional compensation/interest etc for lands acquired for S.I. Dispensaries at the following plots in Ahmedabad during the year:—

	Rs	nP.
Plot No. 138 Rajpur-Hirpur	5,046	00
Plot No. 675 of Asarwa	12,789	10
Plot No. 74 of TPSII, Kankaria	2,880	00
Plot No. 339 of Bagforda	20,276	82
Plot No. 70, 77, 79 of Shekotda	67,984	12
Plot No. 525/P. of Asarwa	6,281	88
Plot No. F.P. 87 of Asarwa	13,703	17
Plot No. 217 to 219 and 226 of Khokhra, Mehmedabad	47,862	58
Plot No. 64 of Khokhra, Mehmedabad	2,405	12
TOTAL	2,81,228	79

In addition to the 2 plots purchased last year for construction of S.I. Dispensary building and staff quarters, sanctions for the purchase of the following lands at places outside Ahmedabad were also accorded during the year under report —

	Cost
	Rs. nP.
(i) Land measuring 13,296 sq. ft. bearing S. No. 288 of A.T. No. 10-2 of Baroda	33,240.00
(ii) Land measuring 6,000 sq. yds. at S. No. 1 of Baroda	28,512.40
(iii) Two plots of land from the Rajkot Municipality for S.I. Dispensaries	1,63,287.11
(iv) A plot of land measuring 6,176 sq. yds. for S.I. Dispensary, staff quarters and Local Office at Udhana, Surat	43,232.00
(v) A plot of land measuring 6,375 sq. yds. for S.I. Dispensary, Staff quarters and Sub-local Office, Wankaner	14,345.56
TOTAL	2,22,617.07

Kerala.

(a) *Hospitals.* (i) 55-bed E.S.I. Hospital, Alleppey: The roof work completed in respect of 30 bedded portion. The fitting of doors, windows etc. were being done.

(ii) 100-bed E.S.I. Hospital, Asramam, Distt. Quilon: Building work of the ground floor was almost complete. Electrification was in progress and sanitary and water supply installation would be taken up soon. Super-structural work of the first floor was complete except for operation theatre. Concreting of roof slabs and finishing works were in progress. Staff quarters were also nearing completion. The hospital was expected to be ready by September 1966.

Sanction was accorded for acquisition of additional land measuring 3.80 acres at an estimated cost of Rs. 3,73,346.04 Paise for the construction of hospital and staff quarters.

(iii) 100-bed E.S.I. T.B. Hospital, Mulankunnathukavu, Distt. Trichur: The construction of the hospital building including laundry, washing shed and erection of pump set was completed in all respects. Periferial drains, gardening, fixing up of shutters to ventilators and other finishing jobs would be taken up.

(iv) 120-bed E.S.I. Hospital, Udyogamandal, Distt. Ernakulam: The foundations of all the 4 Blocks of the hospital building were completed. Block B and D had reached basement level and ground floor columns had reached upto 10 feet height. C Block had gone upto roof level. Construction of staff quarters was in progress.

(v) 60-bed E.S.I. Hospital, Trichur: Contract for construction of the main hospital building was settled and the work was expected to start shortly. The construction of the staff quarters was almost complete.

(vi) 50-bed E.S.I. Hospital, Pernukada, Distt. Trivandrum: Construction of the hospital building was settled and the work was expected to start shortly. The works were in progress. The roofing of the staff quarters were complete and the finishing work was in progress.

(vii) 100-bed E.S.I. T.B. Hospital, Paripally, Distt. Quilon: Construction of the hospital building was commenced and the work was in progress. Construction of

the quarters for Compounders, Laboratory Technicians, 2nd Grade Civil Surgeons and Asstt. Surgeons was nearing completion.

(viii) 150-bed E.S.I. Hospital, Ezhukone, Kundra: Sanction was accorded to the construction of 150-bed E.S.I. Hospital and staff quarters at an estimated cost of Rs. 33,30,000/-. The construction of the hospital building was expected to start shortly.

(ix) 80-bed E.S.I. T.B. Hospital, Aprookara, Kottayam: Sanction was accorded to the construction of hospital building and staff quarters at an estimated cost of Rs. 14,77,824/-.

Construction of the hospital building and staff quarters was started during the year and first floor slab of a portion of the hospital had been laid and the super-structures of the remaining portion was in progress. The first floor of D and E Blocks had reached lintel level. Construction of the staff quarters was also in progress.

(x) 50-bed E.S.I. Hospital, Vadavathur, Kottayam: Sanction was accorded to the construction of 50-bed E.S.I. Hospital building and staff quarters at an estimated cost of Rs. 9,71,990/-. Sanction was also accorded for acquisition of 7 acres of land at a cost of Rs. 54,000/-.

The construction of the hospital building and staff quarters was started during the year and the work was in progress.

(xi) 80-bed E.S.I. T.B. Hospital, Thottada, Cannanore: Sanction was accorded to the construction of 80-bed E.S.I. T. B. Hospital building and staff quarters at a cost of Rs. 14,46,930/-. The work was expected to start shortly.

Sanction was accorded to the acquisition of 6 acres 92 Guntas of land at Ernakulam for construction of a 50-bed E.S.I. Hospital, 4-doctored S.I. Dispensary and staff quarters at a cost of Rs. 10.10 lakhs. Work would start soon.

(b) Dispensaries: The construction of 2-doctored S.I. Dispensary at Satna and pleted and commissioned on dates shown against them:—

(i) 3-doctored S.I. Dispensary, Pattathanam	6-9-1965
(ii) 2-doctored S.I. Dispensary, Thoppumpady	28-8-1965
(iii) 2-doctored S.I. Dispensary, Udyogamandal	1-12-1965
(iv) 5-doctored S.I. Dispensary, Pathirapally	1-1-1966

Construction of the S.I. Dispensary buildings and staff quarters at following centres was nearing completion:—

- (i) 2-doctored S.I. Dispensary, Thrippalazhikom.
- (ii) 4-doctored S.I. Dispensary, Factory Ward, Alleppey.
- (iii) 3-doctored S.I. Dispensary, Pannayapally.
- (iv) 3-doctored S.I. Dispensary, Ollur.
- (v) 1-doctored S.I. Dispensary, Irringanallur.

The construction work on the S.I. Dispensaries and staff quarters at following centres was in progress:—

- (i) 3-doctored S.I. Dispensary, Kottayam.
- (ii) 2-doctored S.I. Dispensary, Kalluvathukal, Quilon.
- (iii) 2-doctored S.I. Dispensary, Thrikovilvattam, Quilon.
- (iv) 2-doctored S.I. Dispensary, Parthireswaram, Quilon.
- (v) 2-doctored S.I. Dispensary, Punalur, Quilon.
- (vi) 2-doctored S.I. Dispensary, Karaparamba, Kozhikode Distt.
- (vii) 4-doctored S.I. Dispensary, Punkunnam, Trichur.

The plans and estimates for construction of under-mentioned dispensary buildings with staff quarters were sanctioned during the year under report:—

	Estimated cost
	Rupees
(i) 2-doctored dispensary building at Punalur, Quilon Distt.	2,36,817.00
(ii) 5-doctored dispensary building at Kottankara, Quilon Distt.	6,46,800.00
(iii) 3-doctored dispensary building at Killikollur, Quilon Distt.	3,25,231.00
(iv) 3-doctored dispensary building at Mulavana, Quilon Distt.	3,36,775.00
(v) 2-doctored dispensary building at Kottayam, Kottayam Distt.	2,36,817.00
(vi) 5-doctored dispensary building at Kalarhinkunnu Kozhikode Distt.	4,88,770.00
(vii) 1-doctored dispensary building at Dharmadam Cannanore Distt.	1,89,400.00
TOTAL	24,58,610.00

Sanction were also accorded to the acquisition of the lands as per details given below for construction of S.I. Dispensary buildings and staff quarters:—

Area	Estimated cost		Centre
	Rs.	nP.	
(i) 1 acre 87 cents.	5,750.00		Irringanallur
(ii) 2 acres	14,711.00		Thrippalazhikom
(iii) 2 acres	70,000.00		Punkunam
(iv) 1 acre 65 cents	1,20,707.59		Kottayam
(v) 1 acre 71 cents.	21,416.63		Cannanore
(vi) 3 acres 59 cents. and 400 sq. links	1,29,458.00		Kottankara
(vii) 1 acre 68 cents. $\frac{1}{2}$	72,134.00		Killikollur
(viii) 4 acres	5,50,000.00		Ernakulam
(ix) 1.42 acres	3,26,000.00		Kalathinkunnu
TOTAL	13,10,177.22		

Madhya Pradesh.

(a) *Hospitals*: (i) 225-bed E.S.I. (General) Hospital, Indore: Construction of hospital building and staff quarters was completed in all respects. The commissioning report was awaited from the State Government.

(ii) 75-bed E.S.I. T.B. Hospital, Indore: Construction work on the hospital building was completed except sanitary fittings and water supply, brick masonry and plastering, flooring of ground floor work, which were also in progress.

(iii) 65-bed E.S.I. Hospital, Ujjain: (50 General and 15 T.B. beds): Roof work and plastering of rooms of the hospital building was in progress. Construction of type F, I and G staff quarters was also in progress.

(iv) 75-bed E.S.I. T.B. Hospital, Raipur: Sanction was accorded to the plans and estimates amounting to Rs. 13,80,600/- for construction of the hospital building and staff quarters.

(b) *Dispensaries*: The construction of 2-doctored S.I. Dispensary at Satna and 4-doctored S.I. Dispensary at Jawahar Nagar, Ratlam, was completed and the dispensaries were commissioned on 2-10-1965.

Construction of 5-doctored S.I. Dispensary and staff quarters at Ghamapur (Jabalpur), estimates in respect of which were revised during the year, was completed in all respects and the dispensary was expected to be commissioned at the end of the year.

Construction of the (i) 6-doctored S.I. Dispensary and staff quarters at Yashwant Niwas Road, Indore, and (ii) 3-doctored S.I. Dispensary and staff quarters at Lalbagh, Burhanpur, was in progress. The construction of the staff quarters of 4-doctored S.I. Dispensary building at Budhwara, Ujjain, was also in progress.

Construction of 20 doctored S.I. Dispensary building and staff quarters with 10-bed ward at Mandsaur was started after the revised estimates amounting to Rs. 2,99,700/- were sanctioned.

Sanction was accorded to the construction of the 2-doctored S.I. Dispensary building with staff quarters at Raigarh at an estimated cost of Rs. 2,94,200/-.

Madras.

(a) *Hospitals*: (i) 500-bed E.S.I. Hospital, Madras: (475 General and 25 T.B. beds): The hospital is functioning with 200 beds. Work on remaining 300 beds was almost complete and the beds were expected to be handed over by the 15 April 1968.

Sanction was accorded for the provision of the following works during the year at the estimated cost indicated against each:—

	Rs.	nP.
Provision of 4 lifts	4,12,000.00	
Steam laundry	7,20,000.00	
Air-conditioning of post operation ward	18,942.00	
TOTAL	11,50,942.00	

(ii) 270-bed E.S.I. Hospital, South Madras (245 General and 25 T.B.): Possession of the land is still to be taken. Lay-out plans were being finalised by the State Government.

(iii) 500-bed E.S.I. Hospital, Coimbatore: (475 General and 25 T.B.): The structural works were completed in all respects except finishing items such as ceiling, white-washing, painting which were being taken up. Electrification was in progress. Construction of staff quarters was also completed. The hospital was expected to be ready by December 1966.

Sanction was also accorded to an estimated expenditure of Rs. 13.85 lakhs for construction of a separate operation theatre block for the hospital.

(iv) 202-bed E.S.I. Hospital, Madurai: (177 General and 25 T.B.) Civil construction works on major portion of the hospital building and staff quarters were almost complete except for finishing works. Sanitary and water supply installations in most of the staff quarters were completed.

Sanction was accorded for construction of Twin Operation Theatre and 66-bed wards block at an estimated cost of Rs. 3.62 lakhs. Construction of the Operation Theatre was started and the work was in progress. Sanction to an expenditure of Rs. 81,999.20 Paise was accorded for additional cost of land measuring 2.89 acres.

(v) 150-bed E.S.I. T.B. Hospital, Thoppe: Sanction was accorded for acquisition of 41.96 acres of land for construction of 150 bed E.S.I. T.B. Hospital, Thoppe, at an estimated cost of Rs. 60,000/-.

(b) Annexes: (i) 26-bed T.B. Ward, Nagercoil: Construction of the ward was started during the year and the super-structure work of the annexe was in progress.

Sanction for additional expenditure of Rs. 35,000/- for construction was accorded.

(ii) 32-bed E.S.I. Ward in Govt. Hospital, Kovilpatti: Construction of the ward was completed in all respects. The ward will be commissioned when the Scheme is implemented in that area.

(c) Dispensaries: Construction of the following S.I. Dispensary buildings and staff quarters was completed and commissioned during the year under report:—

(i) 5-doctored S.I. Dispensary, Sembium	19-7-65
(ii) 10-doctored S.I. Dispensary, Tiruvottiyur	31-1-66
(iii) 5-doctored S.I. Dispensary, Upplipalayam	16-1-66
(iv) 10-doctored S.I. Dispensary, Singanallur	24-1-66
(v) 5-doctored S.I. Dispensary, Sowripalayam	11-2-66
(vi) 3-doctored S.I. Dispensary, Vellalore	9-1-66
(vii) 3-doctored S.I. Dispensary, Mettur Dam (Lower)	28-12-65
(viii) 3-doctored S.I. Dispensary, Red-Hills	28-3-66
(ix) 10-doctored S.I. Dispensary, Palanganatham	12-2-66

Construction of the following S.I. Dispensary buildings was completed and handed over to the Medical Department; commissioning reports were, however, awaited:—

(i) 4-doctored S.I. Dispensary, Tuticorin	26-1-66
(ii) 5-doctored S.I. Dispensary, Sivakasi	29-3-66
(iii) 3-doctored S.I. Dispensary, Tirunagar	28-3-66

Construction of the following S.I. Dispensary buildings and staff quarters was nearing completion:—

- (i) 10-doctored S.I. Dispensary, Ondiputhur.
- (ii) 5-doctored S.I. Dispensary, Mettur Dam (Upper).
- (iii) 5-doctored S.I. Dispensary, Rajapalayam.
- (iv) 5-doctored S.I. Dispensary, Vickramasingapuram.
- (v) 10-doctored S.I. Dispensary, Ponnagaram.
- (vi) 4-doctored S.I. Dispensary, Paravai.
- (vii) 10-doctored S.I. Dispensary, Kilpauk.
- (viii) 5-doctored S.I. Dispensary, Ambattur.

Construction of the following S.I. Dispensary buildings and staff quarters was in progress:—

- (i) 5-doctored S.I. Dispensary, Avadi.
- (ii) 5-doctored S.I. Dispensary, Udumalpet.
- (iii) 3-doctored S.I. Dispensary, Cauverynagar.
- (vi) 2-doctored S.I. Dispensary, Ramjeenagar.

Construction of the Central Medical Store at Upplipalayam, Coimbatore, was in good progress and the Store was expected to be ready by August 1966.

Sanction was also accorded to the construction of S.I. Dispensary buildings and staff quarters at following centres during the year under report, at estimated cost shown against each:—

	Rupees
(i) 8-doctored S.I. Dispensary, East Madurai	8,27,000
(ii) 10-doctored S.I. Dispensary, Pallavaram	8,45,000
(iii) 5-doctored S.I. Dispensary, Tiruppur	4,76,000
(iv) 5-doctored S.I. Dispensary, Vickramasingapuram II	4,70,000
(v) 3-doctored S.I. Dispensary, Kumbakonnam	4,34,000
(vi) 5-doctored S.I. Dispensary, Cheolai	4,70,000
(vii) 5-doctored S.I. Dispensary, Triplicane	5,00,000
(viii) B-doctored S.I. Dispensary, Kovilpatti	4,95,000
TOTAL	45,17,000

Sanction was also accorded to the construction of the additional staff quarters for S.I. Dispensary buildings at following places:—

Place	Amount
	Rupees
(i) Paravai	1,42,500
(ii) Ambattur	1,98,000
(iii) Avadi	41,000
(iv) Tirunagar	1,17,500
(v) Cauverynagar	1,17,500
(vi) Vellalore	1,17,500
(vii) Vickramasingapuram	1,98,000
TOTAL	9,32,000

Sanction was accorded to the acquisition of land for S.I. Dispensaries at following places at estimated cost shown against each:—

	Rs.	P.
(i) Land measuring 2.65 acres at Tambaram	1,85,772	00
(ii) Additional land measuring 8,390 sq. ft. at East Madurai	36,498	03
(iii) Additional compensation for land at Kilpauk	32,982	00
(iv) Additional compensation for land at Palanganathan	42,434	04
(v) Land measuring 2.43 acres at Mettur Dam (Lower)	24,839	20
(vi) Excess compensation for land at Sembium	25,087	00
(vii) Additional compensation for interest on land at Vickramasingapuram I	15,382	95
(viii) Additional compensation plus interest for land at Perambur	49,294	76
(ix) Additional compensation plus interest for land at Tondiarpet	3,998	82
TOTAL	4,16,288	80

Maharashtra

(a) Hospitals: (i) 250-bed E.S.I. Hospital, Worli, Bombay: The main hospital building had already been completed and commissioned from 27 March 1964 with 120-T.B. beds. The remaining 130-beds will be put into use when all the staff quarters would be constructed.

Construction of staff quarters for Nurses, Class II Officers, Houseman and Registrar had almost been completed. Construction of the staff quarters for Class I and III Officers and Class IV staff was yet to be started.

(ii) 600-bed *E.S.I. Hospital, Muland*: Plans and estimates amounting to Rs. 39,63,000/- for construction of the hospital building were administratively approved by the State Government and the construction work was expected to start shortly.

(iii) 400-bed *E.S.I. T.B. Hospital, Aundh (near Poona)*: Plans and estimates amounting to Rs. 36,73,500/- for construction of hospital were administratively approved by the State Government and draft tender papers were being prepared.

(iv) 150-bed *E.S.I. Hospital, Nagpur*: Administrative approval for plans and estimates amounting to Rs. 14,23,170/- for construction of the hospital building was accorded by the State Government. Tenders were being invited.

Out of a loan of Rs. 1 crore sanctioned by the Corporation to the State Government for construction of hospitals/dispensaries etc., against which a sum of Rs. 49,75,546/- was drawn upto 31st March 1965, the following further amounts were paid during the year:—

	Rs.
June 1965	12,94,220
March 1966	10,00,000
	<hr/> 22,94,220 <hr/>

Mysore.

(a) *Hospitals*: (i) 300-bed *E.S.I. Hospital, Bangalore*: The hospital building is functioning with 170 beds since December 1961. Additional 130 beds had already been constructed to raise the bed strength to 300. The same will, however, be put into use on extension of hospitalisation facilities to the families of the insured persons.

(ii) 24-bed *E.S.I. Cottage Hospital, Dandeli*: Construction work of the hospital building was nearing completion. Roof was being laid and electric fittings was also taken up. The hospital was expected to be ready by September 1966.

(iii) 100-bed *E.S.I. Hospital, Mangalore*: Plans and estimates for construction of hospital building and staff quarters were under preparation with the State Government.

(b) *Dispensaries*: Construction of S.I. Dispensary buildings each at Rajajinagar and Ulsoor, in Bangalore, was in good progress and the dispensaries were expected to be ready by April, and June, 1966, respectively.

Revised sanction to the estimates amounting to Rs. 1.65 lakhs was accorded to the construction of the S.I. Dispensary building and staff quarters at Ulsoor. Sanction was also accorded to the acquisition of 3 acres 23 guntas of land for construction of a 5-doctored S.I. Dispensary and staff quarters at Hubli.

Orissa.

Dispensaries: Construction of 2-doctored S.I. Dispensary building and staff quarters each at Barang and Barbil was in progress. Further developments were awaited from the State Government.

Sanction was accorded to the acquisition of 5.12 acres of land for construction of 3-doctored S.I. Dispensary building and staff quarters at Jaykaypur at an estimated cost of Rs. 12,861.60 Paise.

Punjab.

(a) *Hospitals*: (i) 125-bed *E.S.I. Hospital, Amritsar*: The hospital had started functioning with 25 beds from 1 March 1966. The remaining beds will be put into use when remaining work (about 15%) on the hospital building was completed.

Land for the staff quarters was still to be acquired and plans and estimates thereof were under examination.

(ii) 80-bed E.S.I. Hospital, Faridabad: Construction of the hospital building was started during the year and the work was completed upto roof level. Sanction was accorded to the additional 20 beds and staff quarters at an estimated cost of Rs. 8,97,740 raising the bed strength to 80. The work on staff quarters was expected to start shortly.

(iii) 80-bed E.S.I. Hospital, Ludhiana: Construction of the hospital was started during the year and had reached roof level. Land for staff quarters was being acquired and the plans and estimates therefor were being examined.

(iv) 60-bed E.S.I. Hospital, Yamunagar (Jagadhri): Construction of the hospital building was started during the year. Sanction was accorded to the plans and estimates amounting to Rs. 7,35,460/- for construction of staff quarters.

(v) 60-bed E.S.I. Hospital, Jullundur: Construction of the hospital building was started during the year. Plans and estimates for construction of staff quarters were under examination.

(b) Annexes: A 12-bed E.S.I. T.B. Annexe, in R. B. Gujarmal Kesri Devi Sanatorium, Amritsar and another annexe with same No. of beds in T.B. Sanatorium, Dharampur, were commissioned from 1 April 1965.

Estimates amounting to Rs. 2,03,400/- were again revised to Rs. 85,400/- in respect of the 12-bed E.S.I. T.B. Ward in the campus of 80-bed E.S.I. Hospital, Faridabad. The construction work of the ward was expected to start shortly.

(c) Dispensaries: Sanction was accorded to the plans and estimates for construction of the following dispensary buildings during the year:—

	Estimated cost Rs.
(i) 3-doctored S.I. Dispensary at Sonapat	2,48,170
(ii) Specialist Block-cum-S.I. Dispensary at Faridabad	2,22,300 (Revised)

Sanction was accorded to the purchase of 3 acres and 0.17 acres additional land for construction of S.I. Dispensary buildings and staff quarters at Sonapat and Mandi Township, Patiala, respectively.

Construction of the dispensary building at Sanapat was expected to start shortly.

Possession of land for S.I. Dispensaries at Rajpura, Phagwara and Hissar has been taken.

Rajasthan

(a) Hospitals: (i) 100-bed E.S.I. Hospital, Jaipur: Plans and estimates for construction of the hospital building could not make much headway as the ownership of the land was being contested.

(b) Annexes: Construction of the following E.S.I. Wards were completed and commissioned during the year:—

(i) 20-bed Ward in M.G. Hospital, Jaipur	25-8-1965
(ii) 10-bed T.B. Ward in T. B. Sanatorium, Bari-Udaipur	25-8-1965
(iii) 12-bed Ward in State Bangur Hospital, Pali	15-3-1966
(iv) 12-bed Ward in M.G. Hospital, Bhilwara	12-3-1966

(c) Dispensaries: Construction of 3-doctored S.I. Dispensary building and staff quarters at Sawai-Madhopur was completed and the dispensary was commissioned from 23 May 1965.

Construction of 3-doctored S.I. Dispensary building and residence for Medical Officers at Jaipur was almost complete; wood work was in progress. Foundation of remaining staff quarters was laid out but due to certain disputes about the ownership of the land having cropped up, the work was stopped. It is expected to re-start soon.

Uttar Pradesh

(a) *Hospitals*: (i) 212-bed *E.S.I. Hospital, Kanpur*: Commissioning of the additional 100 beds already constructed was awaiting sanction of additional staff by the State Government.

(ii) 144-bed *E.S.I. Maternity (Women and Children) Hospital, Kanpur*: Construction of the hospital building was in progress and was expected to be completed by 30 September, 1966. Sanction was also accorded for an estimated expenditure Rs. 4.50 lakhs for equipping the hospital.

(iii) 180-bed *E.S.I. Chest Hospital, Kanpur*: Construction of the hospital building was almost complete; development work was being done. Sanction was accorded for an estimated expenditure of Rs. 6 lakhs for equipment.

(iv) 100-bed *E.S.I. Hospital, Modinagar*: Construction of the hospital building and staff quarters was in good progress and 60 per cent of the work was completed.

(b) *Dispensaries*: The following 4 S.I. Dispensaries with staff quarters at Kanpur were completed and commissioned during the year:—

(i) 4-doctored S.I. Dispensary, Nawabganj	8-6-1965
(ii) 4-doctored S.I. Dispensary, Jajmau	15-12-1965
(iii) 5-doctored S.I. Dispensary, Raipurwa	22-12-1965
(iv) 3-doctored S.I. Dispensary, Kabarimarket	1-1-1966

Construction of 2-doctored S.I. Dispensary building and staff quarters at Govindnagar, Kanpur, was completed in all respects; commissioning report was awaited.

Work on 2-doctored S.I. Dispensary at Bhelupura, Varanasi, was started during the year and was in progress.

Plans and estimates for construction of dispensary building at Jeonimandi, Agra, were being prepared by the State Government.

West Bengal

(a) *Hospitals*: (i) 166-bed *E.S.I. Hospital, Serampore* (150 General & 16 T.B. beds). Construction work of the hospital building was completed in all respects except water reservoir which was also in good progress. The hospital started functioning from 2 August, 1965.

Sanction was accorded for an estimated expenditure of Rs. 4,22,134.04 Paise for the provision of equipment and stores. Sanction for the provision of diesel pump for tube-well was also accorded at a cost of Rs. 20,000/-.

(ii) 100-beds *E.S.I. Hospital, Bellur-Bally*: Construction of the hospital building was completed in all respects and the hospital was commissioned from April, 1965.

Sanctions were accorded for additional estimated expenditure of Rs. 9,86,176/- (revised total Rs. 39,19,176/-) for construction, for diesel pump for tube-well at a cost of Rs. 20,000/- and acquisition of additional land measuring 3.49 acres at an estimated cost of Rs. 21,141/-.

(iii) 166-bed *E.S.I. Hospital, Uluberia*: Construction of the hospital building was completed except water supply. It was expected to be completed in all respects by June, 1966.

Sanction was accorded for an additional estimated expenditure of Rs. 5,57,650/- for construction of staff quarters. An expenditure of Rs. 4,22,134.04 Paise was also accorded for the provision of equipment.

(iv) 300-bed *E.S.I. Hospital, Baltikuri (Bankara)*: Construction of the hospital building was nearly complete and the building was expected to be commissioned from December, 1966.

Revised sanction of Rs. 75,26,750/- was accorded for construction of the hospital building and staff quarters.

(v) 300-bed *E.S.I. Hospital, Budge-Budge*: Construction of the hospital building was started during the year under report and the filling up of the site of the hospital building and staff quarters was in progress.

Sanction was accorded to the acquisition of land measuring 68.38 acres at an estimated cost of Rs. 50,13,199/- for the construction of hospital building and staff quarters. Revised estimates amounting to Rs. 83,34,200/- were sanctioned for construction of the hospital.

(vi) 150-bed *E.S.I. Hospital, Gaurhati*: Construction of the hospital was started and the filling up of the site of the hospital building and staff quarters was in progress. Sanction was accorded to the plans and estimates amounting to Rs. 63,20,500 for construction of the hospital building and staff quarters.

(vii) 300-bed *E.S.I. Hospital, Kalyani (Distt. Nadia)*: Construction of the hospital building and staff quarters was in good progress.

(viii) *E.S.I. Hospital, Andul*: Land measuring 50 acres for construction of the hospital building and staff quarters was acquired by the State Government. Plans and estimates were under preparation of the State Government.

(ix) 250-bed *E.S.I. Hospital, Kanchanpara (Distt. Nadia)*: Construction of the hospital building was abandoned due to paucity of land.

(x) 400-bed *E.S.I. Hospital, Maniktala, Calcutta*: Possession of the land has been taken by the State Government for further transfer of land to the Corporation. Plans and estimates of the hospital building were under scrutiny of the State Government.

(xi) *E.S.I. Hospital, Thakurpukur*: Possession of the land has been taken by the State Government and sanction was accorded to the construction of boundary pillars and Chowkidar's shed on the site at an estimated cost of Rs. 4,950.

(xii) 131-bed *E.S.I. Hospital, Palta, North Barackpore*: Possession of land measuring 10.34 acres has been taken by the State Government and plans and estimates for the construction of hospital building were being prepared.

(xiii) 150-bed *E.S.I. Hospital, Bandel*: Possession of land measuring 16 acres has been taken and the plans and estimates for construction of hospital building were under scrutiny of the State Government.

(xiv) *E.S.I. T.B. Hospital, Budge-Budge*: Possession of the land for the hospital building has been taken by the State Government. Estimates for construction of the hospital were being scrutinised by the State Government.

(xv) 350-bed *E.S.I. Hospital, Asansol*: Possession of the land has been taken by the State Government and plans and estimates for construction of the hospital building were under examination at the State Government level.

(xvi) 248-bed *E.S.I. Hospital, Durgapur*: Sanction was accorded to the acquisition of 30 acres of land at an estimated cost of Rs. 4,54,500/- for construction of the hospital building.

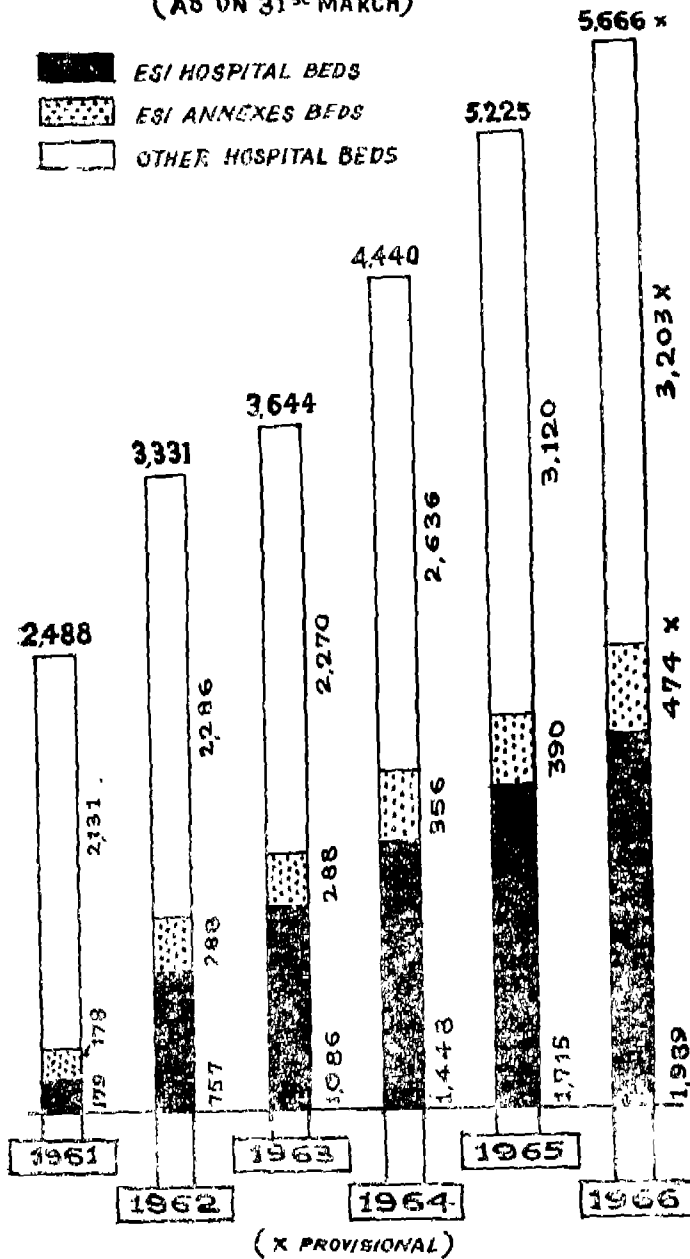
21. Provision of hospital beds for in-patient treatment.

21.1. During the year 1965-66 808 additional beds were provided under the E.S.I. Scheme in different State Government Medical Institutions/E.S.I. Hospitals/Wards/Annexes, while the reduction of one T.B. bed in Assam State, 8 General beds in Bihar State, 21 T.B. beds in Punjab State and 14 General and 13 Maternity beds in West Bengal State was discontinued. Thus there was a net addition of 751 beds made up of 553 General (including Maternity) and 198 T.B. beds.

The total number of beds provided under the E.S.I. Scheme as on 31-3-1966 was 5,976, the details of which are given in Appendix VII.

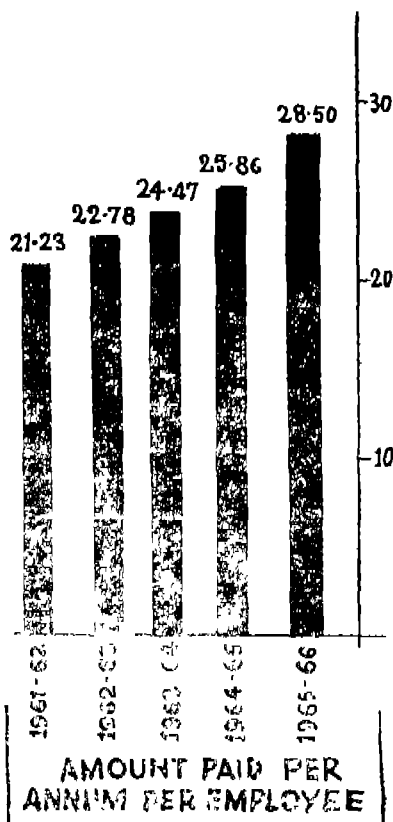
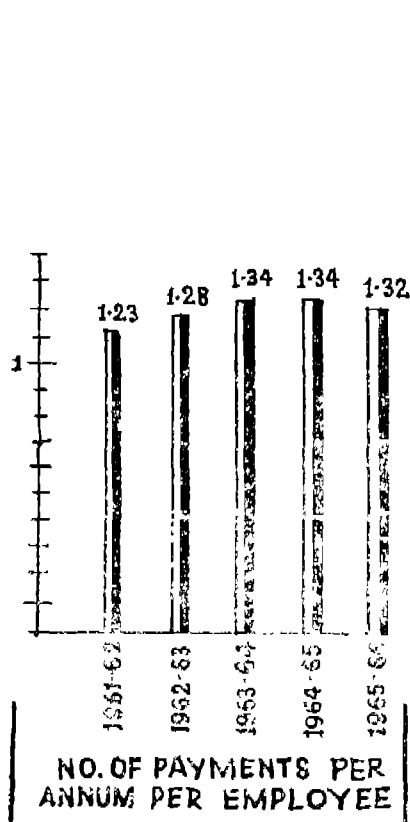
HOSPITAL BEDS PROVISION UNDER ESI SCHEME

(AS ON 31st MARCH)



NUMBER & AMOUNT OF CASH BENEFIT PAYMENTS

NO. OF CASH BENEFIT PAYMENTS		AMOUNT PAID (RUPEES IN LAKH)	
	1965-66		
36,19,348			785.02
29,11,570	1964-65		563.97
27,03,696	1963-64		495.19
24,13,262	1962-63		428.35
21,89,488	1961-62		379.07
19,12,434	1960-61		310.67
16,88,650	1959-60		268.36
18,84,328	1958-59		219.15
12,65,554	1957-58		197.16



21.2. During the year under report, the average recurring cost per bed per day of the E.S.I. Hospitals was as under:—

	Rs. P.
(i) E.S.I. Hospital, Hyderabad (Andhra Pradesh—150 beds)	Not available.
(ii) E.S.I. Hospital, Sirpur-Kagazrag, 1 (Andhra Pradesh—50 beds)	Not available.
(iii) E.S.I. Hospital, Monghyr (Bihar—30 beds)	7.31
(iv) E.S.I. Hospital, Madras (200 beds)	11.72
(v) Mahatma Gandhi Memorial Hospital, Bombay (Maharashtra—642 beds)	Not available.
(vi) E.S.I. Hospital, Worli, Bombay (Maharashtra—120 beds)	Not available.
(vii) E.S.I. Hospital, Bangalore (Mysore—170 beds)	7.16
(viii) E.S.I. Hospital, Choudwar (Orissa—62 beds)	Not available.
(ix) E.S.I. Hospital, Kanpur (Uttar Pradesh—112 beds)	17.35
(x) E.S.I. Hospital, Kamarhatti (West Bengal—175 beds)	Not available.
(xi) E.S.I. Hospital, Sealdah (West Bengal—116 beds)	Not available.
(xii) E.S.I. Hospital, Serampore (West Bengal—166 beds)	Not available.
(xiii) E.S.I. Hospital, Bellur (West Bengal—100 beds)	Not available.
(xiv) E.S.I. Hospital, Amritsar (Punjab—25 beds)	Not available.

22 State Insurance Dispensaries and Clinics of Insurance Medical Practitioners (Panel doctors).

Arrangements for out-patient medical attendance and treatment in the new areas where the Scheme was implemented during the year 1965-66 were made through service system except at Poona (Western Maharashtra Region), Davangere (Mysore) and Nanded (Nagpur areas—Maharashtra) where both service and panel systems have been adopted side by side as well as at Koratti (Kerala), Ghiaspur and Bhore Villages (Punjab) and Hooghly (West Bengal) where panel system alone has been adopted. Besides utilising the services of 6 employers' dispensaries, 28 full-time S.I. Dispensaries were set up under the Scheme as per details given below:—

Andhra Pradesh	5	Full-time dispensaries.
Bihar	1	Full-time dispensary.
Gujarat	4	Full-time dispensaries.
Kerala	2	Full-time dispensaries.
Kerala	1	Employers' dispensary.
Madras	1	Full-time dispensary.
Nagpur Area	1	Full-time dispensary.
Western Maharashtra Region	2	Full-time dispensaries.
Western Maharashtra Region	1	Employers' dispensary.
Mysore	1	Full-time dispensary.
Mysore	1	Employers' dispensary.
Orissa	1	Full-time dispensary.
Punjab	8	Full-time dispensaries.
Rajasthan	2	Full-time dispensaries.
West Bengal	3	Employers' dispensaries.

In addition, consequent upon the extension of the medical benefit to the families of insured persons and the increase in the insurable population in the already implemented areas, 9 full-time dispensaries and 3 mobile dispensaries were also established as detailed below. Further, 3 employers' dispensaries viz. 2 in Greater Bombay and one in Punjab were also utilised under the Scheme.

Assam	1	Full-time dispensary.
Bihar	1	Full-time dispensary.
Gujarat	1	Full-time dispensary.
Gujarat	1	Mobile dispensary.

Maharashtra (Nagpur)	1	Mobile dispensary.
Punjab	6	Full-time dispensaries.
Uttar Pradesh	1	Mobile dispensary.

One full-time dispensary in Uttar Pradesh and 2 employers' utilisation dispensaries in Madras were discontinued.

The total number of S.I. Dispensaries with a sanctioned strength of 1,434 Medical Officers (1,185 in position) in all the implemented centres in the country at the end of the year under review, was 573, viz. 459 full-time, 30 part-time, 44 mobile and 40 employers' utilisation dispensaries. In the panel system areas, out-door medical treatment was being provided at the clinics of 3,929 Insurance Medical Practitioners. Medicines included in the special and specialists' lists were dispensed through 616 approved Chemists Shops and 40 Medical Stores/Sub-Stores set up under the Scheme.

Particulars in respect of all dispensaries including part-time, mobile and employers' utilisation dispensaries, number of Insurance Medical Officers/Insurance Medical Practitioners, number of approved Chemists and Medical Store Depots as on 31-3-1966 are shown in Appendix VIII.

23. Specialists' Services.

The facilities for specialists' advice, consultation and treatment were provided to the insured persons and their families through 24 full-time specialists and 961½* part-time specialists in the various branches of medicine. The following specialists were appointed by the State Governments during the year under report:—

Gujarat

113 part-time specialists, viz. 24 in Medicine, 24 in Surgery, 2 in T.B., 6 in Radiology, 5 in Pathology, 21 in Obstetrics and Gynaecology, 9 Paediatrics, 7 in E.N.T., 6 in Eye, 4 in Skin, 2 in Orthopaedic, one in Leprosy and 2 in Psychiatry were appointed by the State Government.

Kerala.

While two part-time specialists one each in Dentistry and General were appointed, 3 part-time specialists one each in Medicine, E.N.T. and Obstetrics and Gynaecology were withdrawn.

Madras.

5 part-time specialists one each in Medicine, Surgery, T.B., Paediatrics and Obstetrics and Gynaecology.

Maharashtra (Western Maharashtra Region)

While 13 part-time specialists, viz. 3 in Medicine, 2 in Paediatric and 2 in Obstetrics and Gynaecology and one each in Surgery, T.B., Radiology, E.N.T., Eye and Skin were appointed 2 part-time specialists one each in Radiology and Pathology were withdrawn. Two full-time specialists at Diagnostic Centres, Sholapur and Poona, were also appointed.

Maharashtra (Nagpur Area)

2 part-time General Ayurvedic specialists.

Mysore

3 part-time specialists one each in Skin, Orthopaedic and General.

Orissa

One part-time specialist in Medicine withdrawn.

Punjab

10 part-time specialists, viz. one each in Medicine, T.B., Paediatrics, E.N.T. Orthopaedic, 2 in Obstetrics and Gynaecology and 3 General.

Uttar Pradesh

Four full-time specialists one each in E.N.T., Eye, Skin and Dental.

* This (½) is a specialists' unit.

West Bengal.

57 part-time specialists, viz. 10 in Surgery, 7 in T.B., 6 in Radiology, 9 in Pathology, 3 in E.N.T., 3 in Eye, 2 in Skin, 2 in Orthopaedic and 15 General were appointed, while 4 part-time specialists in Medicine and $\frac{1}{2}$ * in Obstetrics and Gynaecology were withdrawn.

The number of specialists available under the E.S.I. Scheme in various States at the end of the year under report is given in Appendix VII (Cols. 13 and 14).

24. Provision for more Specialists' Services.

The Standing Committee at its meeting held on 5 August 1965 decided that the part-time specialists' services may also be provided for insured persons and their families in Malignant diseases, Cardiology, Cardiac Surgery, Neuro-Surgery, Neurology, Psychiatry, Ophthalmic cases needing corneal grafting and Plastic Surgery needing hospitalisation and special investigation.

25. Provision of artificial limbs to insured persons.

Twenty-one cases were admitted during the year to the Army Artificial Limb Centre, Poona, for fitting of artificial limbs. Thus by the end of the year under report, 279 insured persons had been or were being fitted or refitted with artificial limbs since this benefit was extended under the Scheme.

26. Provision of artificial dentures.

During the year under review, artificial dentures free of cost were provided to four insured persons who lost teeth due to employment injury.

PROVISION OF MEDICAL BENEFIT**27. Attendances at dispensaries and hospitals and home visits (Appendix IX).**

27.1. Statistics of (a) the attendances per 1000 insured persons per annum and also per 1000 family (insured person) units, (b) the number of home visits in respect of insured persons and families and (c) the number of cases referred to hospitals for admission and for specialist investigations in respect of insured persons are given in this Appendix. These figures are based on returns furnished primarily by the dispensaries and panel practitioners. For working out the rates of medical attendances, the number of insured persons/family (insured person) units attached to the reporting dispensaries/clinics, suitably adjusted, are deemed to be "exposed to risk" for medical benefits.

27.2. During the year under report the All-India rate of *new* attendances per 1000 insured persons rose from 3,589 in 1964-65 to 3,628; the number of *old* attendances per 1000 insured persons has registered a fall from 8,771 in 1964-65 to 8,340. This year also the proportion of old attendances to new has registered a decrease from 2.44 in 1964-65 to 2.30 in 1965-66. This indicates that the period requiring medical treatment may be comparatively shorter although the incidence of sickness as measured by the rate of new attendances has increased.

27.3. Similarly the All-India rate of *new* attendances per 1000 family units rose from 3,589 in 1964-65 to 3,639; the number of *old* attendances per 100 family units has registered a fall from 7,365 in 1964-65 to 7,230. Thus the proportion of old attendances to new registered a decrease from 2.05 to 2.00 indicating a shrinkage in the proportion of cases of sickness requiring more than one attendance at the dispensary.

27.4. As in previous years the pattern of attendances and the trend of the same in respect of families also during the periods 1964-65 and 1965-66 appear to follow closely the corresponding pattern and trend in respect of insured persons.

*This ($\frac{1}{2}$) is a specialists' unit.

27.5. The over-all State-wise incidence of the combined "new" and "subsequent" attendances in dispensaries during the year in respect of insured persons and family units are given below. These figures reflect broadly the incidence pattern of out-patient treatment in the respective States.

State	Total No. of visits to dispensaries per 1000 insured persons	Total No. of visits to dispensaries per 1000 family (insured person) units.		
I	2	3	4	5
	1964-65	1965-66	1964-65	1965-66
Andhra Pradesh	22,175	17,536	22,034	21,759
Assam	7,943	8,914	5,003	6,250
Bihar	10,551	10,504	15,443	16,898
Delhi	11,971	10,711	11,898	11,174
Gujarat	N.A.	N.A.	N.A.	N.A.
Kerala	13,736	12,120	12,962	12,873
Madhya Pradesh	18,868	20,213	31,931	32,657
Madras	12,296	12,151	14,900	13,584
Marathwara				
1. Gr. Bombay	10,972	11,433	5,286	5,307
(ii) Nagpur Area	17,943	19,807	20,351	20,888
Mysore	12,039	12,875	14,141	15,545
Orissa	9,765	8,552	6,565	7,987
Punjab	10,566	9,937	8,970	9,705
Rajasthan	12,045	10,185	15,153	12,977
Uttar Pradesh	9,622	9,707	8,331	8,998
West Bengal	12,462	10,983	6,471	6,363
All-India	12,360	11,968	10,954	10,929

27.6. The number of home visits in respect of insured persons has gone up by about 13.4 per cent compared to the year 1964-65; in respect of families the increase registered is about 2.5 per cent. The number of home visits per insured person has also shown a slight increase.

27.7. Columns (5) and (6) indicate State-wise the number of cases referred to hospitals for admission and for specialist investigation respectively. The number of cases referred for admission to hospitals has shown an increase from, 52,753 in 1964-65 to 60,151 in 1965-66. Similarly, there was also an increase in the number of cases referred for specialist investigation. As more and more E.S.I. Hospitals are pressed into service, it is hoped that this feature would continue.

28. Sickness pattern (Appendix X)

28.1. Information on the sickness pattern for the country as a whole expressed as the 'number of new cases per 1000 insured persons exposed' is indicated in this Appendix for each of the 51-cause-groups, separately for the insured workers and the members of their family. From a comparison with the last year's figures (also given in the Appendix for each of the cause-groups) it would appear that the pattern of the incidence of sickness is almost the same.

28.2. The incidence rates for all cause-groups taken together is slightly higher in 1965-66 than in 1964-65 both in respect of insured persons and their families. For every spell in respect of an insured person, there has been this year 1.003 fresh spells in respect of the members of the family of an insured person, as against nearly the same No. of spells in the year 1964-65.

28.3. Cause-group-wise incidence of sickness in respect of insured persons bears a close resemblance to the corresponding rates experienced by members of the families of insured persons in respect of almost all the diseases. However, wide deviations in the incidence in a very small number of cause-groups only, bring out in high relief the peculiar ailments to which the particular group is comparatively more prone to.

OTHER MATTERS RELATING TO MEDICAL BENEFIT

20. Medical Service and Allocation Committees.

The Medical Service and Allocation Committees which have been set up by the State Governments to perform certain statutory functions regarding selection of panel doctors, investigation of complaints etc. continued to function in the following areas where medical care is being provided through the panel system—

Madras (Coimbatore).

The Allocation Committee held 7 meetings during the year under report and recommended the inclusion of 4 more Insurance Medical Practitioners in the list of panel doctors of the Coimbatore area. One case of failure to render medical treatment or breach of other terms of service already pending with the Medical Service Committee remained outstanding at the end of the year under report.

Maharashtra.

(a) *Greater Bombay.*—Though the 38 Insurance Medical Practitioners were included in the list of panel doctors, it is not known as how many meetings of the Allocation Committees were held during the year under report. In addition to the 27 cases already pending with the Medical Service Committees, 21 complaints against the Insurance Medical Practitioners were referred to the Medical Service Committees (both Allopathic and Ayurvedic) during the year under report, out of which 12 were referred by the E.S.I. Corporation. Out of 16 cases investigated by the Medical Service Committees, viz. 10 cases for lax certification, 5 for failure to render medical treatment or breach of other terms of service and one for miscellaneous nature, it recommended forfeiture of capitation fee ranging from Rs. 50 to 50 per cent of the quarter in 14 cases, warning in one case and no action in one case. 32 cases were outstanding at the end of the year under report.

(b) *Sholapur and Poona.*—The Allocation Committees (both Allopathic and Ayurvedic) held 6 meetings during the year under report and recommended the inclusion of 208 Insurance Medical Practitioners in the list of panel doctors. One case of lax certification and one case of failure to render medical treatment or breach of other terms of service referred to the Medical Service Committee were investigated but the recommendations and findings were awaited.

Mysore (Mangalore)

No meeting either of Medical Service Committee or Allocation Committee was held during the year under report.

Punjab.

The Allocation Committee held one meeting during the year and recommended the inclusion of 7 more Insurance Medical Practitioners in the list of panel doctors. *Ad-hoc* Medical Service Committee investigated one case of lax certification and recommended that the number of insured persons on Insurance Medical Practitioner's list may be reduced to 400 maximum.

West Bengal.

The Allocation Committee held 8 meetings during the year and recommended the inclusion of 277 more Insurance Medical Practitioners in the medical list. In addition to 57 cases already pending, with the Allocation Committee, 4 cases were also referred to it. The Allocation Committee investigated 16 cases but the recommendations and findings were awaited. 45 cases remained outstanding at the end of the year under report. Further out of 3 cases of failure to render medical treatment or breach of other terms of service, referred to Medical Service Committee, 2 cases were investigated but no action was recommended. One case remained outstanding at the end of the year under report.

30. Medical Referees.**30.1. Full-time Medical Referees.**

At the end of the year, there were 26 full-time Medical Referees in the service of the Corporation.

They were posted for duty in the following places:—

Name of the State	Stationed at	No. of Medical Referees.
Andhra Pradesh	Hyderabad	Vacant
Assam		Visited by one of the Medical Referees at Calcutta.
Bihar and Orissa	Patna	1
Delhi and Rajasthan	Delhi	1
Gujarat	Ahmedabad	2
Kerala	Trichur	1
Madhya Pradesh	Indore	vacant
Madras	Madras City	1
	Coimbatore	1
	Madurai	Vacant
Maharashtra	Bombay	7
	Nagpur	1
	Poona	1
Mysore	Bangalore	1
Punjab	Delhi	1
Uttar Pradesh	Kanpur	
West Bengal	Calcutta & Howrah	1
	24 Parganas & Hooghly	7
	TOTAL	26

30.2. Part-time Medical Referees

At the end of the year, 21 part-time Medical Referees were in position as shown below:—

Punjab	3
Rajasthan	6
Uttar Pradesh	12
TOTAL	21

30.3. The Medical Referees disposed of a total of 93,332* incapacity references. The number of cases actually examined was 54,355 (58.23 per cent) out of which 12,389 (13.27 per cent) were found fit to resume duty and 41,966 (44.96 per cent) were found to be still needing abstention from work. Of the remaining references, 14,237 (15.25 per cent) cases were declared off (made fit by the Insurance Medical Officers/Insurance Medical Practitioners to join duty), and 24,740 (26.50 per cent) cases did not report for examination before the Medical Referees.

31. Expenditure on the provision of the medical benefit—Payments authorised to State Governments.

During the year under report, a sum of Rs. 9,23,56,541.89P., as detailed in Appendix XI, was authorised by the Corporation for payment to the State Governments against its share of the expenditure on the provision of the medical benefit under the E.S.I. Scheme. Out of this, a sum of Rs. 94,22,541.89P. was authorised to be paid to the various State Governments in respect of the Corporation's liability for the financial years upto and including 1964-65 and the remaining amount of Rs. 8,29,34,000/- was paid towards its estimated share of

*This excludes references from Bihar State.

the expenditure incurred by the State Governments for the financial year 1965-66. The break-up of the above amount is as under:—

	Rs.	P.
1. Final payment in settlement and adjustment of accounts for 1960-61 .	9,961	73
2. Final payment in settlement and adjustment of accounts for 1961-62 .	11,80,661	02
3. Final payment in settlement and adjustment of accounts for 1962-63 .	11,65,096	36
4. Final payment in settlement and adjustment of accounts for 1963-64 .	8,94,714	80
5. Final payment in settlement and adjustment of accounts for 1964-65 .	50,47,107	98
6. Provisional payment for 1964-65	11,25,000	00
7. "On Account" payment for 1965-66	8,29,34,000	00
TOTAL	9,23,56,541	89

The expenditure on the provision of the medical benefit State-wise per employee/per employee's family unit per annum during the financial year 1965-66 is also given in column 5 of Appendix XI.

32. Agreement between the State Governments and the E.S.I. Corporation under Section 58 of the E.S.I. Act, 1948.

32.1. (a) Gujarat: The draft deed of agreement returned to the State Government for clarification is still awaited.

(b) Maharashtra: The final draft deed of agreement referred back to the State Government is yet to be received.

(c) Uttar Pradesh: The draft deed of agreement is still under consideration of the State Government.

(d) West Bengal: The final draft of the agreement has been referred to the State Government for their reconsideration of certain points.

As desired by the Chairman, Public Accounts Committee, the decision of the Corporation taken at its meeting held on 21 November, 1964 to waive the recovery from the State Governments under Section 58(2) of the excess sickness benefit over all-India average in respect of periods upto 31 March 1968 has been referred to the Government of India, Ministry of Law, for their advice.

32.2. The Corporation at its meeting held on 6 August 1965 decided that the *status quo* might continue during the Fourth Five Year Plan also in regard to sharing of the cost of medical care between the State Governments and the Corporation in the ratio of 1:7. It also decided that in areas where medical care for families is extended immediately after the statutory period of 13 weeks from A-Day, the cost might be shared in the ratio of 1:7 from A-Day.

33. Yoga education for industrial workers.

The pilot project of Yoga education for insured persons of Delhi was continued during the year through the agency of Bharat Sewak Samaj. The Yogasanas training was imparted in 9 centres established in Delhi.

The Government of Uttar Pradesh has proposed extension of Yoga Scheme for insured persons in Kanpur instead of Lucknow. The proposal of the State Government is under consideration of the E.S.I. Corporation.

34. Family Planning programme.

The E.S.I. Corporation at its meeting held on 6 August 1965 approved the following further proposals in regard to family planning programme under the Scheme:—

(i) The spouse of an insured person might also be paid incidental expenses for vasectomy and tubectomy on the same scale as admissible to an insured person.

(ii) Such incidental expenses to an insured person or his/her spouse might also be paid in respect of vasectomy and tubectomy operations undergone in institutions recognised by the Administrative Medical Officer, E.S.I. Scheme.

- (iii) A female doctor may be posted in each single-doctor E.S.I. Dispensary in addition to the male doctor for doing family planning work.
- (iv) One auxiliary nurse midwife may be appointed in each E.S.I. Dispensary with 3 or more doctors in areas where family planning clinics under the Scheme are not authorised.

35. Integrated Preventive and Curative Services.

The Corporation at its meeting held on 22 March 1966 approved the proposal of starting a programme of Integrated Preventive and Curative Services at Hyderabad in E.S.I. Dispensaries having three or more doctors. Earlier, the Corporation had approved the said programme for Delhi and Kanpur.

The proposal for starting the programme at Kanpur is still awaited from the State Government.

The programme of Integrated Preventive and Curative Services has been started at Delhi with the existing staff.

36. Rehabilitation programme.

Rehabilitation programme for insured persons under the Scheme is still under consideration of the Study Group set up by the Corporation for the purpose at its meeting held on 16 February 1965.

37. Occupational Health Services.

The Corporation at its meeting held on 22 March 1966 accepted in principle that Occupational Health Services in places of employment might be provided and the Central Government approached for necessary amendment to the Act to permit such expenditure from the E.S.I. Fund.

IMPROVEMENTS IN SERVICE TO INSURED PERSONS

38. Payment of extended sickness benefit to insured persons suffering from Gangrene.

Hitherto extended sickness benefit was being paid to insured persons suffering from T.B., leprosy, mental and malignant diseases, fracture of lower extremity, disability arising from the administration of drugs/injections, paraplegias and hemiplegias, chronic congestive heart failure, immature cataract with vision 6/60 or less in the affected eye, anaemias like severe haemolytic, dyshaemopoietic and aplastic anaemia, chronic filariasis with obstructive syndrome, cirrhosis of liver with ascites, non-specific ulcerative colitis and lung abscesses. During the year under report, the Corporation resolved to extend the provisions of grant of extended sickness benefit also to insured persons suffering from Gangrene. The date from which this extended sickness benefit would be available had not been fixed till 31 March 1966.

39. Liberalisation of the conditions for entitlement to the extended sickness benefit to insured persons.

The Corporation in its resolution passed on 23 August 1960 on the above subject had authorised payment of extended sickness benefit to persons suffering from T.B., leprosy, mental and malignant diseases etc. subject to the fulfilment of certain conditions, including the condition that an insured person should have been in continuous employment for a period of 2 years or more before the date on which the relevant spell commenced. This eligibility condition of applying the 2-year continuous service test was liberalised by a resolution of the Corporation adopted at its meeting on 22 March 1966.

As a result of this liberalisation, where an insured person has completed four contribution periods immediately preceding the commencement of relevant spell of sickness, he shall now be deemed to have completed 2-year continuous service for the purpose of claiming extended sickness benefit, if contributions paid by him in any 3 out of the said 4 completed contribution periods entitle him to sickness benefit in the corresponding benefit periods.

The extended sickness benefit shall be granted only if the insured person is no longer entitled to receive sickness benefit because of the 2nd proviso to Section 49 or because of his ineligibility to sickness benefit during the relevant benefit period under Section 47 of the E.S.I. Act.

40. Payment of sickness benefit in lieu of temporary disablement benefit in cases where decision on the employment injury is likely to be delayed.

During the working of the Scheme it has been observed that sometimes decision on employment injury cases cannot be taken immediately for want of certain material information necessary for deciding the case which consequently causes delay in the payment of temporary disablement benefit. To alleviate the hardship to insured persons caused by such delays, *ex-post-facto* sanction of the Standing Committee was obtained at its meeting held on 23 July 1962 to the procedure that in all such cases sickness benefit when otherwise admissible, may be paid in the first instance and may be adjusted later against temporary disablement benefit. It was also decided that in cases where the amount thus disbursed were in excess of the total amount due on account of temporary disablement benefit, no recovery of the excess payment should be made from the insured persons and should be written off.

The said procedure originally adopted for a period of two years was extended by the Standing Committee at its meeting held on 24 February 1964 for a further period of two years upto January 1966. During the year, this procedure was further extended for one year at the meeting of the Standing Committee held on 21 March 1966.

41. Rationalisation of Forms and Returns.

The proposals initiated for simplification/amalgamation/elimination of various Forms/Returns/Registers have been given a detailed consideration and where possible, without any loss of efficiency, a number of Forms/Returns/Registers have been simplified/amalgamated/eliminated. In some cases, the size of Forms has also been reduced. The work is continuing.

42. Codification of instructions on coverage of factories/workers and contributions.

Codification of important instructions on the subject of coverage of factories/workers and contributions under the E.S.I. Act, has been completed.

43. Compilation and printing of hand-book of instructions on inspection of factories under Section 45 of the E.S.I. Act—Inspector's Guide.

The hand book of instructions on inspection of factories has been printed and distributed among the concerned officials etc. in order to ensure better performance of the duties entrusted to the Insurance Inspectors of E.S.I. Corporation.

44. Codification of important decisions of the courts.

With the object of equipping the officers of the Corporation who conduct the court cases with the important and vital points arising at various stages during the proceedings in the courts, an attempt has been made to codify some of the important decisions of the E.I. Courts/High Courts and the first volume of the codified judgements has been completed and circulated for information and guidance of the officers of the Corporation.

CASH BENEFITS

(Appendices XII and XIII)

45. Number of cash benefit payments (Col. 3 in Appendix XII).

45.1. Cash benefits are paid at the Local/Sub-Local/Pay Offices set up by the Corporation in different areas. The number of such offices was 406 on 31 March 1966 as against 367 a year earlier.

45.2. The total number of cash benefit payments made in each State during the years 1964-65 and 1965-66 is shown in column 3. In all, 36.23 lakhs payments were effected during the year 1965-66 which were about 7.08 lakhs more than that during the preceding year. On the average, about 3.02 lakhs payments were effected every month as against 2.43 lakhs payments during 1964-65. The number of claims per employee during 1965-66 works out to 1.32 as against 1.34 during 1964-65.

45.3. Excluding the number of lump-sum payments made on the commutation of permanent disablement benefit, the total number of payments works out to 36.19 lakhs (please see para 50.4 also).

46. Sick benefit (Cols. 4 to 7 in Appendix XII)

46.1. As a result of the implementation of the benefit provisions of the Scheme in new centres between 1 July 1964 and 30 June 1965 as also due to the increase in employment in the already implemented areas, about 5,65,450 more employees became eligible for sickness benefit during the year under report. The total number of employees entitled to claim sickness cash benefit during 1965-66 is estimated at 27.46 lakhs as against 21.81 lakhs last year (*vide* column 4).

46.2. During the year, an amount of Rs. 604.21 lakhs was paid as sickness cash benefit as against Rs. 430.84 lakhs in 1964-65. The rise is due to increase in the (i) coverage of workers (ii) average no. of sickness benefit days per annum per employee and (iii) average amount of daily rate of benefit per employee.

46.3. The average number of fresh spells per employee increased from 0.94 in 1964-65 to 0.96 in 1965-66. The average number of benefit days per annum per employee has also increased from 7.8 in 1964-65 to 7.9 in 1965-66. The amount of daily rate of benefit per employee has registered an increase from Rs. 2.55 to Rs. 2.77 due, perhaps, to an increase in the average wage-rate of the employees as also presumably to a shift in the incidence of sickness according to wage-groups. The increase in the incidence of attendances (new cases) together with the decrease experienced in old cases attendances at dispensaries when viewed in the light of the increase in the duration of sickness benefit claims lends support to the view that sickness of short duration involving sickness benefit payment has shown an increase during the year.

46.4. As in the preceding years, this year also indicated wide variations among States *inter-se* in respect of incidence and duration of sickness benefit claims. The Director General has, however, been keeping continuous watch over the duration of sickness claims at various centres. The relevant statistics received every month at the Headquarters are analysed periodically and any abnormal variation in the trend is immediately taken up with the Regional Directors and the Administrative Medical Officers with a view to enable them to take suitable and prompt remedial measures whenever necessary and wherever possible.

47. Extended sickness benefit (Cols. 8 and 9 in Appendix XII)

47.1. Insured persons suffering from certain specified diseases e.g. tuberculosis, leprosy, mental and malignant diseases etc. are eligible for extended sickness cash benefit at a rate equal to the full sickness benefit rate, for a period of 309 days in addition to the 56 days of full cash benefit.

47.2. For the year 1965-66 a sum of Rs. 47.19 lakhs was paid to insured persons on this account as against Rs. 33.28 lakhs in the previous year. The increase is mainly accounted for by an increase in the number of claims due to (a) increasing coverage (b) an increase in the rate of fresh cases per 1000 employees per annum and (c) an increase in the average duration of claims.

47.3. The incidence of extended sickness benefit claims expressed as the number of claims per 1000 employees exposed to risk and also the duration of terminated claims are shown for the years 1965-66 and 1964-65 in columns 8 and 9. These rates have shown a comparative increase during the year.

48. Maternity benefit (Cols. 10 and 11 in Appendix XII).

48.1. The number of women employees eligible for maternity benefit has increased from 1,47,450 in 1964-65 to 1,80,400 in 1965-66. The total amount paid as maternity claims was Rs. 33.71 lakhs as against Rs. 24.24 lakhs in 1964-65. The average amount of cash benefit per maternity claim has further decreased from Rs. 228 in 1964-65 to Rs. 224 and this is possibly due to a shift in the incidence of confinement *vis-a-vis* wage-groups.

48.2. The number of claims per 1000 insured women employees has increased from 72.0 in 1964-65 to 83.5 in 1965-66 due possibly to variations in the age and marital status composition of the female employees.

49. Temporary disablement benefit. (Appendix XIII).

During the year 1965-66, the number of employees covered for disablement and dependents' benefit was 29.93 lakhs as against 26.55 lakhs during 1964-65 (*vide*

col. 3). The sum paid as temporary disablement benefit during 1965-66 was Rs. 66.65 lakhs as against Rs. 51.63 lakhs in 1964-65. The average number of fresh spells, the number of benefit days per annum per employee and the average daily benefit rate are 0.05, 0.85 and Rs. 2.61 respectively as against the corresponding figures of 0.05, 0.81 and Rs. 2.41 in 1964-65 (*vide* columns 4 to 6). The average duration per spell has increased from 17.10 to 18.08. As in the last year this year also recorded variations in the incidence and duration of these claims in different States. The incidence was high in Orissa, West Bengal and Madhya Pradesh, while the duration of claims continued to be high in West Bengal, Madhya Pradesh and Delhi.

50. Permanent disablement benefit.

50.1. The number of fresh cases admitted during the year 1965-66 was 6,264 as against 4,461 during the previous year. The incidence rate per 1000 insured employees was 2.09 as against 1.68 in 1964-65, thus registering an increase. The States of Orissa, Delhi, West Bengal and Gujarat have experienced comparatively high incidence rates.

50.2. The number of claimants on the Fund increased from 13,931 at the beginning of the year to 16,181 at the end (*vide* column 10). The actual amount disbursed as benefits was Rs. 57.72 lakhs (including the commuted lump sum of Rs. 34.19 lakhs) as against Rs. 49.45 lakhs (including the commuted amount of Rs. 33.76 lakhs) in 1964-65.

50.3. The capitalised value of permanent disablement benefit claims in respect of fresh cases admitted during the year was Rs. 107.36 lakhs as against Rs. 73.05 lakhs in 1964-65. The Permanent Disablement Benefit Reserve Fund stood at Rs. 350.26 lakhs at the close of the year, the corresponding amount at the beginning of the financial year being Rs. 287.17 lakhs.

50.4. The number of claimants to permanent disablement benefit who had opted out for receipt of commuted value in lieu of periodic payments has increased from 3,832 in 1964-65 to 3,964 in 1965-66.

51. Permanent disablement benefit claim (*Appendix XIV*).

51.1. Analysis of the 6,264 cases of permanent disablement admitted during the year was made according to (a) the main groups of industry and (b) the incidence of claims per 1000 employees exposed industry-wise. As in the last year, the highest number of accidents was recorded in "textile industry" followed at a distance by "engineering" and "metallic minerals" industries. The incidence rate is rather high in "engineering" and "textiles" and low in "non-metallic minerals", "food, beverage and tobacco" and "chemicals and chemical products". From a comparison of the corresponding incidences for the year 1964-65 it appears that the incidences in "textiles" and "chemicals and chemical products" have gone up significantly this year, the incidences in "paper and printing" and "metallic minerals" have gone down.

51.2. The average degree of permanent disablement experienced was 11.87 per cent as against 12.57 per cent in the last year. The largest number of accidents occurred this year also in the sixth wage-group, i.e. between the daily wages of Rs. 4 and Rs. 6.

51.3. The number of permanent disablement cases that arose among women employees is only 72. Expressed as a rate of incidence per woman employee, this is significantly low presumably because women are not generally employed on hazardous occupations, duties etc.

52. Dependants' benefit (*Appendix XIII*).

52.1. The number of fresh claims admitted for dependants' benefit during the year under review decreased from 205 in 1964-65 to 200 (*vide* columns 11 and 12). Compared to the previous year the incidence has gone down.

52.2. The total number of dependants admitted during the year was 585 and the category-wise distribution of all the dependants at the beginning and end of the year is as under :—

Description	As on 31st March	
	1965	1966
Widow	1,066	1,217
Son and Daughter	1,806	2,112
Father	76	97
Mother	134	160
Other Dependent Children	89	106
TOTAL	3,171	3,692

52.3. The amount paid as dependants' benefit has increased from Rs. 8.20 lakhs in 1964-65 to Rs. 9.71 lakhs in 1965-66. The capitalised value in respect of dependants' benefit claims admitted during the year was Rs. 23.17 lakhs as against Rs. 22.77 lakhs in 1964-65. The Dependents' Benefit Reserve Fund stood at Rs. 132.71 lakhs on 31 March 1966 as against Rs. 113.90 lakhs on 31 March 1965.

CONTRIBUTIONS AND ENFORCEMENTS

53. Income from contributions.

The rates of all the contributions continued to be the same as in the previous year viz. 2½ per cent of wages for the implemented areas, 3/4 per cent of wages for the non-implemented areas as employers' special contribution and approximately 2½ per cent of the wages as employees' contribution. The total amount collected was Rs. 11,67,12,836 as employers' special contribution and Rs. 10,39,964 as employees' contribution as against Rs. 9,96,74,412 as employers' special contributions and Rs. 8,87,93,177 as employees' contribution received respectively during the earlier year.

54. Mode of collection of contributions.

The mode of collection of contributions—employers' special contribution and employees' contribution—remained unchanged. During the year under report, 6 new licences were issued for the use of franking machines for franking contribution cards. 5 licences were cancelled during the year, the total number of licences issued till the end of the year was 451 as against 450 licences at the end of last year.

55. Inspection

During the year under report, the progress of the inspection work continued to be under close watch of the Headquarters Office. The Inspectors continued to provide guidance to employers and training to their staff in maintaining records and various formalities and procedures necessary under the E.S.I. Act and Regulations. At the end of the year, there were in all 129 Insurance Inspectors (including Leave Reserves).

The total number of inspections carried out during the year 1965-66 was 16,776 as against 14,594 during the year 1964-65.

56. Employees' Insurance Courts.

A list of the E.I. Courts set up during the year under Section 74 of the E.S.I. Act, 1948, in the implemented areas is given below :—

Employees' Insurance Courts set up under the E.S.I. Scheme

<i>Name of the State</i>	<i>Areas for which E.I. Court set up</i>	<i>Presiding Officer of the Court on whom the powers to act as E.I. Court have been conferred.</i>
Andhra Pradesh	Ramagundam	Subordinate Judge, Karimnagar.
Bihar	Areas in the Distt. of Bhagalpur	Distt. Judge, Bhagalpur.
Maharashtra	Poona	Judge, Labour Court, Poona.
Kerala	The areas within the limits of Revenue Districts of Trivandrum Quilon, Alleppey and Kottayam. The areas within the limits of Revenue Districts of Ernakulam, Trichur, Palghat, Kozhikode and Cannanore.	Presiding Officer, Industries Tribunal, Alleppey. Presiding Officer, Industrial Tribunal, Kozhikode.
Mysore	Alekonda, Nattavalli Chikkanahalli and Averagere	Presiding Officer, Labour Court, Hubli.
Uttar Pradesh	(i) Churk (ii) Arauli (iii) Masahi in Pargana Barhar, Tehsil—Robertsganj, Distt. of Mirzapur.	S.D.O. Robertsganj.
Orissa	Village of Mathamtanda, Barbil in Tehsil Champakpur, P.S.—Barbil in Distt. of Keonjhar.	Distt. Judge, Mayurbhanj—Keonjhar.
Gujarat	(i) Area within the Municipal limits of Rajkot Town. (ii) Paddock area near Rajkot (S. No. 134) in Taluka and Distt. Rajkot. (iii) Anandpur (Navagam) Village in Taluka and District Rajkot. Area within the limits of Wankaner Municipality in Rajkot District.	Judge, Rajkot. Judge, Rajkot.

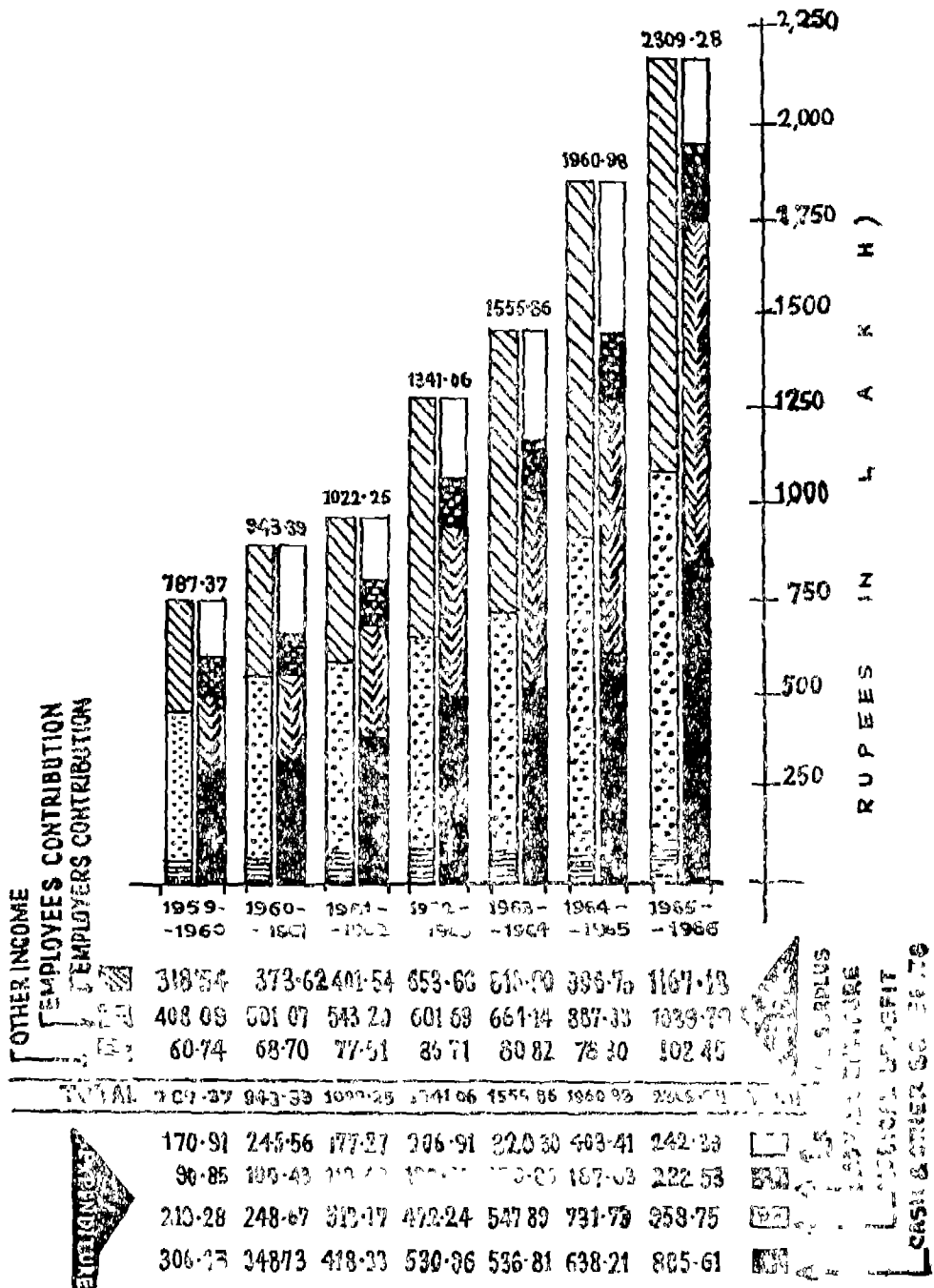
57. Legal action.

The amount involved in respect of court cases instituted during the year, region-wise, under various provisions of the E.S.I. Act, is shown in Appendix XV, indicating also the amount recovered during the year under review.

BUDGET AND FINANCE**58. Financial and accounting arrangements.**

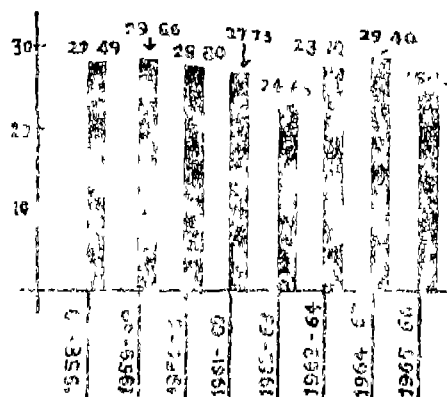
58.1. The Revised Estimates for the year 1965-66 and the Budget Estimates for the year 1966-67 were adopted by the Corporation at its meeting held on 22 March 1966. These Estimates were approved by the Central Government on 6 April 1966. The Estimates were laid on the Tables of the Lok Sabha and Rajya Sabha on 18 April 1966 and 6 May 1966, respectively.

INCOME, EXPENDITURE & SURPLUS

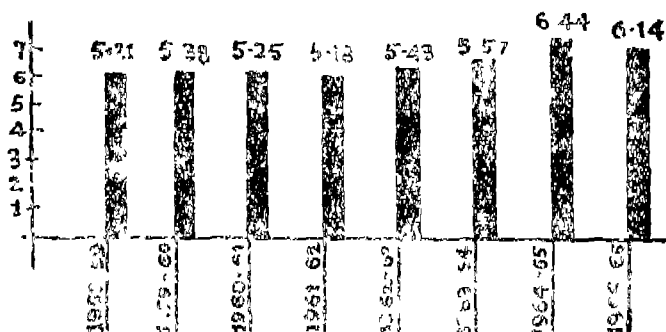


ADMINISTRATIVE EXPENDITURE

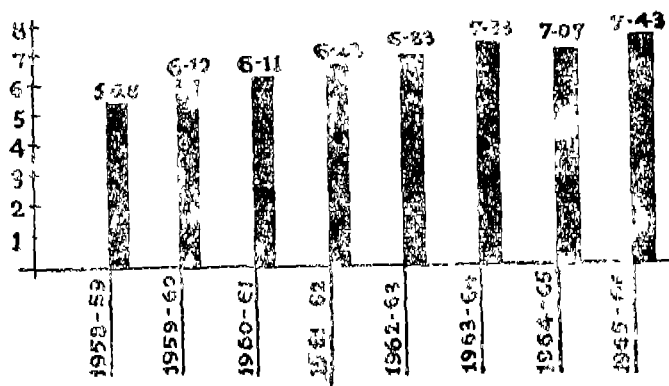
PERCENTAGE OF
TOTAL BENEFITS
[EXCLUDING
MEDICAL
BENEFIT]



RUPEES PER
CASH BENEFIT
PAYMENT



RUPEES PER
INSURED
EMPLOYEE



58.2. The audit of the accounts of the Corporation has been entrusted by the Central Government, in consultation with the Comptroller and Auditor General of India, to the Accountant General, Central Revenues. The latter conducts the audit through the respective State Accountants General acting as Sub-Audit Officers. The consolidated Audit Report is prepared by the Accountant General, Central Revenues. The consolidated Audit Report for the year 1963-64 on the accounts of E.S.I. Corporation was forwarded by the Accountant General, Central Revenues, to the Central Government on 29 June, 1960. The Audited Accounts for the year 1963-64 were laid on the Tables of the Lok Sabha and the Rajya Sabha on the 27 April 1966 and 6 May 1966, respectively. The consolidated Audit Report for the year 1964-65 on the accounts of the E.S.I. Corporation has been forwarded to the Central Government on 16 August 1966 by the Accountant General, Central Revenues. The Audited Accounts for the year 1964-65 will be placed by the Central Government before the Lok Sabha and the Rajya Sabha in due course.

59. Banking arrangements.

Twenty-two new banking accounts were opened during the year for the Local/Sub-Local Offices of the Corporation with the various branches of the State Bank of India and its subsidiaries. Four accounts of the Local Offices/Sub-Local Offices of the Corporation were closed due to the downgradation of these offices.

Arrangements for the sale of Contribution Stamps were made with additional 28 branches of the State Bank of India and its subsidiaries.

60. Investments.

The revenue surplus of Rs. 242 lakhs during 1965-66 was not sufficient to meet the expenditure on Capital Account amounting to Rs. 389 lakhs incurred during the year. The balance was met out of accumulated reserves of previous years. As a result, there was a reduction in the net total investments on behalf of the General Cash Balance. As accumulations in various reserve funds are also invested in approved securities, the decrease in investment on behalf of the General Cash Balance was partly made up by such investments. The net decrease in total investment amounted, therefore, to Rs. 94 lakhs (approximately) only. The total investments (including the investments relating to various reserve funds) as on 31st March 1966 stood at Rs. 20,97,35,214.21 P. against Rs. 21,81,82,753.42 P. in the beginning of the year.

Details of the investments are shown below :—

	As on 1-4-1965	As on 31-3-1966
	Rs. P.	Rs. P.
Securities of Central and State Governments in India.	17,11,63,253.42	15,33,47,234.21
12 year Postal Certificates.	74,41,320.00	74,24,000.00
Fixed Deposits with the State Bank of India, New Delhi.	3,95,78,180.00	4,89,63,980.00
TOTAL	21,81,82,753.42	20,97,35,214.21

61. Income and Expenditure Account and Balance Sheet.

The Income and Expenditure Account of the Corporation for the year 1964-65 is given in Appendix XVI.

The Balance Sheet of the Corporation for the year 1964-65 as certified correct by the auditors of the Corporation, is given in Appendix XVII.

The Income and Expenditure Account and the Balance Sheet of the Corporation for the year 1965-66 are given in Appendices XVIII and XIX. These are still to be audited by the external auditors.

62. Relative cost of administration.

The statement of Appendix XX shows the relative cost of administration since the year 1952-53. The statement below shows the comparative cost of administration per insured employee during the last four years from 1962-63 to 1965-66.

1962-63	Rs. 6.83 per insured employee.
1963-64	Rs. 7.33 per insured employee.
1964-65	Rs. 7.07 per insured employee.
1965-66	Rs. 7.43 per insured employee.

Definitions of the terms 'Employees', 'Insured Persons' and 'Beneficiaries':—

- (a) The number of 'employees' as on a specified date is the estimated number of collective posts in the factories covered under the Scheme. This would broadly represent the average number of employees per day employed by the factories round about that date and normally, may not vary significantly from the number of employees actually employed on that date. It should, however, be noted that the actual number of persons who have occupied a particular sanctioned post during a period may be more, inasmuch as a leave reserve or badli worker may have officiated temporarily during absence, leave etc. of a regular worker.
- (b) The number of 'insured persons' on any date indicates, for purposes of this Report, the number of persons who may be deemed to be entitled to medical benefit on such date. Further, the number of 'insured persons' on any day would normally be in excess of the number of 'employees' as on that day because, under the eligibility conditions for medical benefit under the Act, the persons entitled to medical benefit on any day would comprise not only of the persons actually employed on that day but also of ex-employees, who, by virtue of the contribution conditions during the period earlier to that would also be entitled to such benefit on that date.
- (c) The total number of 'beneficiaries' on any date represents all the persons who may be deemed to be entitled to medical benefit under the Scheme on that date. It comprises the 'insured persons' and where medical benefit has been extended to families of insured persons, the members of their families also. The total number of members of the family of 'insured persons' (not including the insured person) is arrived at by assuming an average of 2.88 members for each 'insured person'.

APPENDIX I**Important decisions taken by the E.S.I. Corporation during the year 1965-66****(1) 6 August 1965.**

1. With regard to family planning programme under the E.S.I. Scheme, it approved that:—

- (i) the spouse of an insured person might also be paid incidental expenses for vasectomy and tubectomy on the same scale as an insured person; and that
 - (ii) such incidental expenses to an insured person or his/her spouse might also be paid in respect of vasectomy and tubectomy operations undergone in institutions recognised by the Administrative Medical Officer.
2. It approved the recommendation of the Standing Committee that:—
- (i) the *status-quo* might continue during the Fourth Five Year Plan also in regard to the sharing of cost of medical care under the E.S.I. Scheme between the State Governments and the Corporation, in the same ratio as laid down for the Second Five Year Plan period and continued for the Third Plan period; and
 - (ii) the expenditure on medical care in areas where the E.S.I. Scheme is extended to families immediately after the statutory period of 13 weeks from A-Day might be shared between the Corporation and the State Governments in the ratio of 7:1 right from A-Day.

3. With regard to reimbursement of expenses incurred in respect of medical treatment under Regulation 96-A of the E.S.I. (General) Regulations, 1950, the Corporation decided as under:—

- (a) Full authority may be vested with the State Government concerned to reimburse expenditure incurred in respect of medical treatment of

insured person and (where such medical benefit is extended to his family) his family, under Regulation 96-A of the E.S.I. (General) Regulations, 1950, provided the amount does not exceed Rs. 500 in each case;

(b) It may be left to the State Government concerned to decide the authority within their machinery who will approve the expenditure in question; and

(c) The Director General may be authorised to agree to an expenditure upto Rs. 2,500 in each case.

(ii) 22 March 1966.

1. In regard to the qualifying conditions for the extended sickness benefit to insured persons suffering from T.B Leprosy etc., as outlined in Corporation's resolution dated 23rd August 1960, it decided to liberalise the same and adopted the following resolution:—

"Resolved that the following proviso may be added to para 1(b) of the Corporation Resolution dated 23rd August 1960 under heading—
Explanation:—

Provided that where an insured person has completed 4 contribution periods immediately preceding the commencement of relevant spell of sickness, he shall be deemed to have completed two years continuous service if contributions paid by him in any 3 out of the said 4 completed contribution periods entitle him to sickness benefit in the corresponding benefit periods."

"Further resolved that para 2 of the Resolution dated 23rd August 1960 may be substituted by the following:—

The extended sickness benefit shall be granted only if the insured person is no longer entitled to receive sickness benefit because of the 2nd proviso to Section 49 or because of his ineligibility to sickness benefit during the relevant benefit period under Section 47 of the E.S.I. Act."

It also authorised the Director General to dispose of marginal and hard cases at his discretion and on the merits and circumstances of each case.

2. It accepted in principle that Occupational Health Services in places of employment might be provided and the Central Government approached for necessary amendment to the Act to permit such expenditure from the E.S.I. Fund.

3. It agreed to the utilisation of E.S.I. (General) Hospital, Hyderabad, for starting Licentiate condensed course for the G.C.I.M. candidates, subject to the condition that the Diploma in Medicine and Surgery to be awarded at the end of the course, has been recognised by the Indian Medical Council and the persons trained executed a bond to serve the Scheme for 3—5 years, if necessary.

4. It approved that extended sickness benefit may be granted to insured persons suffering from Gangrene and its sequelae on the same scale and subject to same conditions as are specified for cases of T.B. etc., from such date as the Chairman of the Corporation may decide.

5. It approved that the part-time Insurance Medical Officers under the Scheme throughout the country may be paid domiciliary conveyance allowance on the same slab scale as admissible to full-time Insurance Medical Officers.

6. It approved the proposal of starting a programme of Integrated Preventive and Curative Services at Hyderabad in E.S.I. Dispensaries having three or more doctors. Earlier, the Corporation had approved the said programme for Delhi and Kanpur at its meeting held on 21 November 1964.

APPENDIX II

Important decisions taken by the Standing Committee during the year 1965-66.

(i) 5 August 1965.

1. It approved the inclusion of the following part-time specialists' services for insured persons and their families under the E.S.I. Scheme in the scale of specialists' services already approved at the meeting held on 23 July, 1962---

2. It passed the following resolution:--

- (i) Malignant diseases.
- (ii) Cardiology.
- (iii) Cardiac Surgery.
- (iv) Neuro-surgery.
- (v) Neurology.
- (vi) Psychiatry.
- (vii) Ophthalmic cases needing corneal grafting.
- (viii) Plastic Surgery needing hospitalisation and special investigation

2. It agreed to the provision of medical care under the E.S.I. Scheme in Delhi to the insured persons and their families who are residing in Delhi but working in Mohannagar and Ghaziabad and vice-versa, on reciprocal basis between Delhi and Uttar Pradesh.

3. It authorised the Director General to incur expenditure on the conveyance of insured persons who were called to tender evidence in disciplinary cases against employees of the Corporation.

(ii) 21 March 1966.

1. It decided that the Corporation should not advance any amounts to private agencies for construction of buildings to be rented for Corporation's use as offices etc.

2. It passed the following resolution:--

"Resolved that the Regional Directors may exercise the powers to write off expenditure on the spoilage of Money Order forms to the extent indicated below:--

Designation of Officers	Extent of Powers.
Regional Directors	To write off expenditure on the spoilage of Money Order forms upto one per cent of the total Money Order forms used during a financial year for remittance of cash benefits."

3. It accorded approval to the continuance of the procedure of payment of sickness benefit in lieu of temporary disablement benefit in cases where decision on employment injury is likely to be delayed, for a further period of one year i.e., upto January 1967.

APPENDIX III

Important recommendations of the Medical Benefit Council during the year 1965-66.

(i) 11 June 1965.

- (i) The Council recommended that the Chief Pharmacists in the Central Medical Stores under the Scheme should also be paid a special pay of Rs. 15 per month.

- (ii) One more lady doctor over and above one Insurance Medical Officer may be provided in an Employees' State Insurance dispensary catering to insured person family units between 750 to 1000.
 - (iii) One post of junior clerk (Lower Division Clerk) should be upgraded to that of a senior clerk only in each of the two or more doctor Employees' State Insurance dispensaries in the Country.
- (ii) 17 February 1966.**
- (i) The Council set up a committee consisting of the following persons for preparation of E.S.I. Medical Code :—
 1. Dy. Director of Medical Services (ESI) Madras.
 2. Asstt. Director of Medical Services (ESI), Andhra Pradesh.
 3. Dy. Director of Medical and Health Services (ESI), Uttar Pradesh.
 4. Administrative Medical Officer (ESI), Bombay.
 5. Dy. Medical Commissioner, E.S.I. Corporation, New Delhi.
 - (ii) The part-time Insurance Medical Officers should be paid domiciliary conveyance allowance on the same scale as was admissible to full time Insurance Medical Officers.
 - (iii) The extended medical and cash benefit should be paid for all types of gangrene.
 - (iv) G.C.I.M. Candidates who were graduates of integrated medicine might be provided facilities for clinical training in the 150 bed E.S.I. Hospital, Hyderabad for the D.M. and S. Course. It also suggested that a bond should be taken from these candidates to serve the E.S.I. Scheme for a period of 3 to 5 years, *if required*.

**APPENDIX
PART
E.S.I.C. Staff authorised as on**

Sl. No.	Designation of posts	Hqrs. Andhra Pradesh	Assam	Bihar	Delhi	Gujarat	Kerala							
		RO LO	RO LO	RO LO	RO LO	RO LO	RO LO							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1.	Director General	1	—	—	—	—	—	—	—	—	—	—	—	—
2.	Insurance Commissioner	1	—	—	—	—	—	—	—	—	—	—	—	—
3.	Medical Commissioner.	1	—	—	—	—	—	—	—	—	—	—	—	—
4.	Chief Accounts Officer	1	—	—	—	—	—	—	—	—	—	—	—	—
5.	Actuary.	1	—	—	—	—	—	—	—	—	—	—	—	—
6.	Joint Insurance Commis- sioner	1	—	—	—	—	—	—	—	—	—	—	—	—
7.	Dy. Chief Accounts Officer.	1	—	—	—	—	—	—	—	—	—	—	—	—
8.	Regional Director.	—	—	—	—	—	—	—	—	—	—	—	—	—
9.	Dy. Insurance Commissioner	1	—	—	—	—	—	—	—	—	1	—	1	—
10.	Administrative Officer.	2	—	—	—	—	—	—	—	—	—	—	—	—
11.	Deputy Medical Commis- sioner.	5	—	—	—	—	—	—	—	—	—	—	—	—
12.	Asstt. Insurance Commis- sioner/Dy. Regional Di- rector/Regional Director Grade II/Asstt. Actuary	5	1	—	—	—	1	—	1	—	1	—	1	—
13.	Asstt. Medical Commis- sioner	3	—	—	—	—	—	—	—	—	1	—	1	—
14.	Medical Referees.	—	1	—	—	—	1	—	1	—	3	—	2	—
15.	Asstt. Accounts Officer.	3	—	—	—	—	—	—	—	—	1	—	1	—
16.	Deputy Administrative Off. cer.	4	—	—	—	—	—	—	—	—	—	—	—	—
17.	Asstt. Regional Director/ Manager Grade I/Regional Director Grade III.	—	1	—	1	—	1	—	1	2	2	6	1	1
18.	Soc. Psychologist.	1	—	—	—	—	—	—	—	—	—	—	—	—
19.	Dy. Asstt. Accounts Officer	2	1	—	—	1	—	—	1	—	—	—	—	—
20.	Section Officer.	15	—	—	—	—	—	—	—	—	—	—	—	—
21.	P.S. to D.G.	1	—	—	—	—	—	—	—	—	—	—	—	—
22.	Insurance Inspector.	—	4	—	—	—	3	—	4	—	7	—	5	—
23.	Audit Inspector.	—	—	—	—	—	—	1	—	—	—	—	—	—
24.	Manager Grade II	—	1	11	—	3	1	5	1	2	1	6	1	16
25.	Health Educator.	2	—	—	—	—	—	—	5	—	—	—	—	—
26.	Personal Assistant.	6	—	—	—	—	—	—	—	—	—	—	—	—
27.	Assistant/Head Clerk.	44	5	—	1	—	6	—	4	2	12	6	8	1
28.	Artist.	1	—	—	—	—	—	—	—	—	—	—	—	—
29.	Care Taker.	1	—	—	—	—	—	—	—	—	—	—	—	—
30.	Librarian.	1	—	—	—	—	—	—	—	—	—	—	—	—
31.	Projectionist-cum-Mechanic.	—	—	—	—	—	—	—	1	—	—	—	—	—
32.	Upper Division Clerk In- charge.	—	—	13	—	1	—	10	—	3	—	6	—	19
33.	Upper Division Clerk/U.D.C.	—	—	—	—	—	—	—	—	—	—	—	—	—
34.	Cashier.	54	14	11	1	—	12	2	20	8	29	22	21	21
35.	Stenographer	17	2	—	1	—	1	—	2	—	3	—	2	—
36.	Cashier (Lower Division Clerk.	—	1	15	1	3	1	7	1	7	—	12	—	21
37.	Lower Division Clerk/Adre- ma Operator.	83	39	39	5	1	35	11	44	24	76	55	59	74
38.	Computer.	2	—	—	—	—	—	—	—	—	—	—	—	—
39.	Staff Car Driver/Driver	2	—	—	—	—	—	—	1	—	1	—	—	—
40.	Gæstetner Operator.	1	—	—	—	—	—	—	—	—	—	—	—	—
41.	Jamadar.	1	—	—	—	—	—	—	—	—	—	—	—	—
42.	Daftry/Record Sorter/Atten- dant.	19	8	13	1	3	8	10	15	9	21	15	15	27
43.	Peon	53	8	18	3	2	10	7	9	8	17	24	11	27
44.	Chowkidar.	3	1	—	1	—	1	—	1	—	1	—	1	—
45.	Farash.	7	1	—	1	—	1	—	1	—	2	—	1	—
46.	Sweeper.	8	2	—	—	—	1	—	1	—	2	—	1	—

*Senior Scale Regional Directors.

@On: post of Dy. Insurance Commissioner (II) against the post of Joint Insurance Commissioner

IV

I

31 March 1966.

[illegible]

APPENDIX IV

PART II

Staff authorised and in position as on 31 March 1966 in respect of the Administrative Medical Officer's Office and State Insurance Dispensaries in Delhi.

Sl. No.	Designation of posts	A.M.O's. Office		B.S.I. Dispensaries		Total	
		Authorised	In Position	Authorised	In Position	Authorised	In Position
1	2	3	4	5	6	7	8
1.	Admn. Medical Officer.	1	1	—	—	1	1
2.	Asstt. Regional Director.	1	1	—	—	1	1
3.	Asstt. Accounts Officer(M).	1	1	—	—	1	1
4.	Ins. Medical Officer Gr. I	—	—	104	99	104	99
5.	Ins. Medical Officer Gr. II	—	—	3	2	3	2
6.	Head Clerk	7	7	—	—	7	7
7.	Lady Health Visitor	—	—	27	22	27	22
8.	Social Guide	—	—	3	2	3	2
9.	Nurse (Gd. A & B)	—	—	40	32	40	32
10.	Radiographer	—	—	1	—	1	—
11.	Upper Division Clerk	22	22	16	16	38	38
12.	Stenographer	2	1	—	—	2	1
13.	Compounder/Pharmacist	3	1	100	91	103	92
14.	Cashier	1	1	—	—	1	1
15.	Midwives/Dais.	—	—	53	42	53	42
16.	Lower Division Clerk	29	29	@ 63+5	@ 51+5	@ 92+5	@ 80+5
17.	Lab. Technician	—	—	24	17	24	17
18.	Ambulance Driver	—	—	4	4	4	4
19.	Gestetner Operator.	1	1	—	—	1	1
20.	Dresser.	—	—	55	53	55	53
21.	Record Sorter/Daftry	4	3	—	—	4	3
22.	Ambulance Attendant.	—	—	2	2	2	2
23.	Peon (Including Ayas and Class IV Staff)	8	8	@ 183+5	@ 164+3*	@ 191+5	@ 172+3
GRAND TOTAL		80	76	688	605	768	681

@Including 5 posts of Lower Division Clerks and Peons for diagnostic centres.

*Including 3 posts of Peons for diagnostic centres.

APPENDIX V

Number of Factories and Employees covered under the E.S.I. Act
During 1965-66—STATE-WISE.

State	Implemented Area		Non-Implemented Area		All Areas	
	No. of Factories	No. of Employees as on 31-3-66	No. of Factories	No. of Employees as on 31-3-66	No. of Factories	No. of Employees as on 31-3-66
1	2	3	4	5	6	7
Andhra Pradesh	486	83,150	26	5,250	512	88,400
Assam	140	10,650	19	13,200	159	23,850
Bihar	219	56,600	206	1,03,900	425	1,60,500
Delhi	778	82,000	—	—	778	82,000
Gujarat	589	2,23,200	949	1,62,050	1,538	3,85,250
Kerala	779	1,28,750	35	19,100	814	1,47,850
Madhya Pradesh	333	91,700	69	48,300	402	1,40,000
Madras	1,442	2,75,550	191	38,400	1,633	3,13,950
Maharashtra	3,797	7,66,200	271	61,650	4,068	8,27,850
Mysore	510	1,46,900	99	33,250	609	1,80,150
Orissa	84	27,700	34	24,200	118	51,900
Punjab	1,549	1,54,950	32	15,800	1,581	1,60,750
Rajasthan	227	49,000	15	14,050	242	63,050
Uttar Pradesh	1,138	2,47,800	25	15,050	1,163	2,62,850
West Bengal	2,957	7,83,250	104	1,03,750	3,061	8,89,000
ALL-INDIA (1966)	15,028	31,29,400	2,075	6,37,950	17,103	37,67,350
ALL-INDIA (1965)	13,099	28,80,400	2,578	7,82,750	15,677	36,63,150

APPENDIX VI

Number of Centres, Employees, Insured Persons and Family (Insured Persons) Units covered as on 31-3-1966—STATE-WISE.

State	No. of Centres	No. of Employees	No. of Insured Persons	No. of Family (Insured Person) Units
1	2	3	4	5
Andhra Pradesh	28	83,150	89,000	89,000
Assam	5	10,650	11,000	11,000
Bihar	16	56,600	58,000	58,000
Delhi	1	82,000	98,000	98,000
Gujarat	3	2,23,200	2,47,000	2,47,000
Kerala	34	1,28,750	1,38,000	1,25,500
Madhya Pradesh	15	91,700	98,000	98,000
Madras	29	2,75,550	2,83,000	63,900
Maharashtra	8	7,66,200	8,29,000	8,18,000
Mysore	9	1,46,900	1,53,000	1,53,000
Orissa	8	27,700	29,500	29,500
Punjab	32	1,54,950	1,62,000	1,50,000
Rajasthan	14	49,000	56,500	56,500
Uttar Pradesh	31	2,47,800	2,70,000	2,70,000
West Bengal	26	7,85,250	8,83,000	7,66,500
ALL INDIA (1966)	259	31,29,400	34,05,000	30,33,900
ALL-INDIA (1965)	226	28,80,400	32,52,250	29,52,450

(For definitions of terms "Employees" and "Insured Persons"—Relief page 38).

APPENDIX VII

Number of beds, Specialists and ambulances as on 31-3-1966

Serial No.	State	Number of beds provided											Specialists			Remarks
		E.S.I. Hospitals			Annexes			Other Hospitals			Total					
		Gene- ral	Matern- ity	T.B.	Gene- ral	Matern- ity	T.B.	Gene- ral	Matern- ity	T.B.		Part time	Full- time	Ambu- lances		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
1	Andhra Pradesh	180	—	—	25	7	24	54	12	44	346	53	—	9	*2% Out of 30 beds 5 beds viz. 4 for families of insured persons and one for non-insured persons are being utilised on payment of reservatin charges by the Employer.	
2	Assam	—	—	—	—	—	—	6	7	11	24	—	—	—		
3	Bihar	%30	—	—	—	—	—	54	—	18	102	2	—	—		
4	Delhi	—	—	—	50	—	30	30	—	30	140	20	—	3		
5	Gujarat	—	—	—	—	—	—	345	12	87	444	113	—	3		
6	Kerala	—	—	—	—	—	24	126	71	70	291	90	—	1		
7	Madhya Pradesh	—	—	—	—	—	—	116	11	86	213	86	—	6		
8	Madras	164	12	24	67	14	77	112	44	174	688	85	—	8	*One each in Medicine and Surgery.	
9	Maharashtra														£14 Hospitals and Maternity Homes recognised for confinement of insured women @Rs. 52-50P. per confinement if the stay is less than 7 days and Rs. 60/- if the stay is for more than 7days.	
	(a) Greater Bombay	642	—	120	—	—	—	137	—	500	1399	87	12	12		
	(b) Nagpur Area	—	—	—	—	—	25	58	10	15	108	13	—	1		
	(c) Western Maharashtra Region	—	—	—	—	—	—	62	—	46	108	21	2	2		
10	Mysore	142	10	18	—	—	32	47	16	39	304	32	—	6	*These are specialists units.	
11	Orissa	44	6	12	—	—	—	—	—	—	62	5	—	1		
12	Punjab	25	—	—	—	—	24	103	—	29	181	42	—	2		
13	Rajasthan	—	—	—	44	—	31	6	1	—	82	10	—	1		
14	Uttar Pradesh	112	—	—	—	—	—	—	—	—	112	—	10	1		
15	West Bengal	541	—	16	—	—	—	442	2	370	1371	302½*	—	10		
TOTAL		1880	28	190	186	21	267	1698	186	1519	5975	961½	24	68		

APPENDIX VIII
Number of State Insurance Dispensaries, Panel doctors etc. as on 31-3-1966.

Sl. No.	State	Dispensaries					Total No. of Insurance Medical Officers	Total No. of Insurance Medical Practitioners	Total No. of doctors in Employers dispensaries	Approved Chemists/medical Stores/Depots	Remarks
		Full time	Part time	Mobile	Employers	Total	Sanc- Present	Pre- sents			
1	2	3	4	5	6	7	8	9	10	11	12
1	Andhra Pradesh	44	2	—	1	47	83	78	—	1	—
2	Assam	8	—	2	—	10	11	11	—	—	—
3	Bihar	24	2	14	—	40	75	68	—	—	—
4	Delhi	16	5	—	—	21	112	106	1	—	90
5	Gujarat	42	—	1	—	43	234	210	134	—	9
6	Kerala	48	11	5	3	67	127	85	—	4	2
7	Madhya Pradesh	43	—	—	2	45	133	119	2	5	3
8	Madras	58	4	8	12	82	150	123	56	29	15
9	Maharashtra (Greater Bombay)	2	—	—	4	6	6	6	1617	3	6
	(Nagpur areas)	15	—	1	—	16	48	48	—	—	5
	(Sholapur)	4	—	—	1	5	9	6	220	3	145
10	Mysore	29%	5	—	10	44	75	71	29	33	1
11	Orissa	10	—	2*	—	12	23	20	—	—	1
12	Punjab	29	—	—	2	31	82	43	112	3	2
13	Rajasthan	16	1	2	1	20	55	48	—	2	44
14	Uttar Pradesh	71	—	9	—	80	211	143	—	—	8
15	West Bengal	—	—	—	4	4	—	—	1758	17	1
	TOTAL	459	30	44	40	573	1434	1185	3929	100	296
											40

Mobile dispensaries cum-Ambulance vans including one epidemic control Van stationed at Dahmianagar

% Excluding 3 Annexes
 *Ambulance Van-Mobile dispensaries

Approved Chemists and Medical Stores.

APPENDIX IV
Incidence of Dispensary Attendances, References to Hospitals and No. of Home Visits during 1964-65 and 1965-66 STATE-WISE
(In respect of Insured Persons and their Family Members)

State	Period	Insured Persons				Family (I.P.) Units.			
		No. of Attendances per 1000 Insured Persons per annum		No. of Cases referred to Hospital for		No. of Home Visits	No. of Attendances per 1000 Family (I.P.) Units per annum		No. of Home Visits
		New Cases	Old Cases	Admission	Specialists investigation		New Cases	Old Cases	
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh (SS)	1964-65	4,028	18,147	1,422	29,008	6,200	5,770	16,264	16,151
	1965-66	3,135	14,401	1,131	35,363	9,242	5,474	16,285	14,439
Assam (SS)	1964-65	3,161	4,782	136	1,314	3,146	2,136	2,867	360
	1965-66	3,533	5,381	91	1,602	2,180	2,695	3,555	356
Bihar (SS)	1964-65	3,426	7,125	1,821	8,216	10,740	5,312	10,231	10,102
	1965-66@	3,186	7,318	1,730	7,153	8,499	5,644	11,254	6,480
Delhi (SS)	1964-65	1,361	10,610	1,085	16,507	10,544	3,822	8,076	25,957
	1965-66	1,081	9,630	1,133	13,412	10,799	3,403	7,771	22,259
Gujarat (PS & SS)	1964-65	Not Available				Not Available			
	1965-66	Not Available				Not Available			
Kerala (SS)	1964-65	2,478	11,258	5,071	17,448	23,332	2,544	10,418	2,317
	1965-66	2,570	10,550	6,066	18,004	23,716	2,870	10,003	3,108
Madhya Pradesh (SS)	1964-65	2,716	16,152	2,904	41,040	14,046	7,517	24,414	10,795
	1965-66	2,819	17,394	2,876	42,992	13,933	7,867	24,790	12,190
Madras (SS)	1964-65	2,341	9,128	9,897	86,361	412	3,724	10,536	1,356
	1965-66	2,518	9,156	14,812	84,875	807	3,598	9,424	2,740
Madras (PS)	1964-65	4,775	10,309	5,283	22,024	1,941	8,171	14,136	860
	1965-66	4,387	9,495	6,391	23,982	1,960	7,198	14,068	1,022
Maharashtra									
(i) Greater Bombay (SS)	1964-65	Included in Greater Bombay P.S.							
	1965-66	1,992	10,795	681	317	—	2,848	7,595	1

1	2	3	4	5	6	7	8	9	10
(ii) Greater Bombay . . . (PS)	1964-65* 1965-66	[4,336 [4,535	[6,636 [6,891	681† 909†	1,02,557 [1,15,264	19,489 19,796	2,326 2,340	2,960 2,938	10,528 7,210
(iii) Nagpur Area ^d . . . (SS)	1964-65 1965-66	[2,873 [3,082	[15,070 [16,725	[2,454 [2,086	[10,523 [11,329	14,085 14,942	4,267 4,605	16,084 16,283	1,926 2,567
Mysore (SS)	1964-65 1965-66	[4,248 [4,697	[7,791 [8,178	[6,072 [6,252	[41,349 [56,324	14,514 15,288	5,602 6,005	8,539 9,540	6,725 8,004
Orissa (SS)	1964-65 1965-66	[2,382 [2,242	[7,383 [6,310	206 856	[1,235 [1,238	5,954 5,616	2,662 3,307	3,903 4,680	222 270
Punjab (SS)	1964-65 1965-66	[2,762 [3,286	[7,280 [7,716	[1,100 [418	[12,299 [10,462	6,114 6,207	2,118 2,961	5,134 7,237	6,434 7,103
Punjab (PS)	1964-65 1965-66	[4,651 [3,639	[6,525 [5,159	3,971 [4,144	12,929 [15,141	22,630 [20,585	4,791 3,752	6,181 [5,419	6,252 6,838
Rajasthan (SS)	1964-65 1965-66	2,605 2,315	9,440 7,870	1,450 1,311	9,094 10,972	3,504 3,053	4,166 3,655	10,987 9,322	1,036 956
Uttar Pradesh (SS)	1964-65 1965-66	[2,231 [2,389	7,391 [7,318	3,384 3,244	30,906 32,800	3,090 [2,914	2,102 2,377	6,229 [6,621	8,039 9,798
West Bengal (PS)	1964-65 1965-66	[5,699 [5,221	6,763 5,762	[5,816 [6,020	59,707 64,032	58,501 87,967	3,870 3,957	2,601 2,406	12,205 18,936
ALL-INDIA	1964-65 1965-66	3,589 3,628	8,771 [8,340	[52,753 [60,151	5,02,517 5,45,262	2,18,242 2,47,504	3,589 3,639	7,365 7,290	1,21,265 1,24,277

*Includes Greater Bombay S.S.

†Does not include cases referred to Hospital for admission under General Treatment upto 31-12-1965.

SS-Service System; PS-Panel System.

APPEND IX

Incidence of Morbidity i.e. number of new cases per 1000 IPs and 1000 Family (IP) Units—1964-65 and 1965-66—ALL-INDIA.

Cause group No.	Disease	Insured Persons		Families	
		1964-65	1965-66	1964-65	1965-66
1	2	3	4	5	6
1.	T. B. of respiratory system	13.6	12.7	11.9	11.8
2.	T. B. other forms	5.3	4.7	5.7	5.7
3.	Syphilis and its sequelae	5.3	5.4	1.9	1.4
4.	Gonococcal infection	9.6	8.7	4.7	2.8
5.	Dysentery all forms	229.5	255.1	215.2	234.6
6.	Cholera, Enteric fever, other infective diseases arising in intestinal tract.	10.2	13.3	11.8	17.8
7.	Scarlet fever, Diphtheria, Whooping Cough, Measles, Mumps, Chicken-pox.	15.0	15.2	29.4	36.8
8.	Typhus and other rickettsial diseases	2.1	0.9	4.0	1.7
9.	Malaria.	31.2	23.8	27.0	19.9
10.	Filariasis, Ankylostomiasis and other Helminths	36.6	36.9	70.6	73.5
11.	All other diseases classified as infective and parasitic	58.7	54.4	83.1	79.7
12.	Malignant neoplasms all sites	0.5	0.5	0.7	1.2
13.	Benign neoplasms all sites	0.8	0.8	2.2	1.1
14.	Allergic disorders	77.6	82.9	68.3	79.4
15.	Diseases of Thyroid gland	1.9	2.0	2.7	2.3
16.	Diabetes mellitus	5.5	3.2	6.6	3.9
17.	Avitaminosis and other deficiency states.	145.6	150.4	129.5	130.9
18.	Anaemias.	87.5	93.8	114.9	122.5
19.	Psychoneuroses and Psychoses	3.0	3.0	3.3	3.4
20.	Vascular Lesions C.N.S.	0.9	0.7	0.6	0.5
21.	Diseases of eye	98.0	101.3	103.7	105.5
22.	Diseases of ear and Mastoid process	46.1	45.7	73.5	71.0
23.	Rheumatic fever	10.5	10.6	7.6	8.2
24.	Chronic Rheumatic heart diseases.	1.0	1.1	0.6	1.0
25.	Arteriosclerotic and degenerative heart diseases.	0.6	0.6	0.5	0.3
26.	Hypertensive diseases	5.1	5.1	5.4	6.1
27.	Diseases of Veins	8.0	8.0	7.2	5.4
28.	Acute nasopharyngitis (Common Cold)	317.8	326.6	315.7	321.3
29.	Acute Pharyngitis and tonsillitis	108.5	104.9	132.5	126.0
30.	Influenza	254.1	268.8	209.4	222.8
31.	Pneumonia	9.6	8.2	22.7	17.1
32.	Bronchitis	298.1	298.4	320.3	326.7
33.	Silicosis and occupational pulmonary fibrosis	3.0	1.0	4.3	1.0
34.	Other respiratory	35.9	43.3	37.6	42.8
35.	Diseases of stomach and duodenum	168.1	169.2	125.5	130.5
36.	Appendicitis	3.5	2.1	3.2	1.3
37.	Dermia of abdominal cavity	2.5	2.3	4.0	1.2
38.	Diarrhoea and enteritis	187.5	193.8	242.2	251.0
39.	Diseases of gallbladder and bile ducts	4.4	3.0	4.5	2.5
40.	Other diseases of digestive system	201.8	197.2	172.4	166.9
41.	Nephritis and nephrosis	3.4	2.0	4.7	2.3
42.	Diseases of genital organs	30.3	25.7	49.5	47.6
43.	Deliveries, complications of pregnancy, child birth and puerperium	*70.4	*57.9	22.8	21.9
44.	Boil, abscess, cellulitis and other skin infections.	186.6	186.6	263.0	248.2

*Per 1,000 insured women employees.

1	2	3	4	5	6
45.	Other diseases of skin,	92.2	90.0	105.4	109.4
46.	Arthritis and rheumatism	228.1	224.9	139.9	140.6
47.	Diseases of bones and other organs of movement	17.4	13.4	5.7	5.6
48.	Congenital Malformations and diseases peculiar to early infancy,	0.7	0.6	0.8	0.5
49.	Other specific and ill-defined diseases,	290.7	292.1	239.9	258.6
50.	Accidents, poisoning and violence	222.4	221.2	166.2	162.5
51.	Other Miscellaneous Groups	6.8	6.6	3.9	2.8
TOTAL NO. OF NEW CASES		3588.5	3627.9	3588.9	3639.3

APPENDIX XI

Payments effected to State Governments and cost of medical care per family/
Insured person—State-wise.

Sl. No.	State	Year	Total amount paid	Approximate cost per employee or family unit per annum	Whether medical care extended to insured persons only or insured persons with families	Nature of payment
1	2	3	4	5	6	7
			Rs. P.	Rs. P.		
1.	Andhra Pradesh	1962-63 1965-66	3,86,950.61 28,50,000.00	54.94	For insured persons with families.	Final "On account"
2.	Assam	1965-66	3,65,000.00	Not available	Do.	"On account"
3.	Bihar	1961-62 1962-63 1964-65 1965-66	2,03,096.27 12,919.15 4,00,000.00 16,65,000.00	41.23	Do.	Final Final "Provisional" "On Account"
4.	Delhi	1961-62 1964-65	1,33,338.96 33,948.75	*44.31	Do.	Final *For 1965-66
5.	Gujarat	1960-61 1963-64 1965-66	9,961.73 2,759.90 97,00,000.00	Not available	Do.	Final Final "On Account"
6.	Kerala	1962-63 1963-64 1965-66	80,825.87 2,67,064.03 19,44,000.00	23.89	Both for insured persons alone and insured persons with the families.	Final Final "On Account"
7.	Madhya Pradesh	1961-62 1962-63 1964-65 1965-66	8,44,225.79 3,82,885.51 4,00,000.00 37,25,000.00	48.16	For insured persons with families.	Final Final "Provisional" "On Account"

1	2	3	4	5	6	7
			Rs. p.			
8.	Madras	1964-65 1965-66	7,39,170.38 51,45,000.00	Not available	For insured persons at Madras, Coimbatore, Madurai.	Final "On Account"
9.	Maharashtra					
	(a) Greater Bombay	1965-66	2,18,00,000.00	41.32	For insured persons with families.	"On Account"
	(b) Nagpur areas	1963-64 1965-66	2,54,630.83 13,75,000.00	50.96	Do.	Final "On Account"
	(c) W.M.R.	1963-64 1964-65 1965-66	21,459.89 1,00,000.00 10,05,000.00	Not available	Do.	Final "Provisional" "On Account"
10.	Mysore	1964-65 1965-66	11,32,930.03 24,75,000.00	Not available	Do.	Final "On Account"
11.	Orissa	1964-65 1965-66	1,00,000.00 5,10,000.00	Not available	Do.	"Provisional" "On Account"
12.	Punjab	1963-64 1964-65 1965-66	2,77,369.33 12,47,514.00 24,15,000.00	Not available	Do.	Final "Provisional" "On Account"
13.	Rajasthan	1963-64 1964-65 1965-66	71,430.82 1,25,000.00 10,60,000.00	31.86	Do.	Final "Provisional" "On Account"
14.	Uttar Pradesh	1964-65 1965-66	18,93,544.82 35,50,000.00	Not available		Final "On Account"
15.	West Bengal	1962-63 1965-66	3,01,515.22 2,33,50,000.00	37.49	Do.	Final "On Account"
GRAND TOTAL			9,23,56,541.89			

APPENDIX XII

Incidence of Sickness and Maternity Benefit Claims in 1964-65 and 1965-66 —STATE-WISE

State	Period	Total No. of Cash Benefit payments ¹	No. of employees deemed exposed to risk for Sickness/ Ext. Sickness Benefit	Sickness Benefit			Extended Sickness Benefit		Maternity Benefit	
				Rate of fresh spells per employee per annum	Average No. of S.B. days per emp- loyee per annum	Average daily rate	Rate of fresh cases per 1000 employees ¹ per annum	[Average duration] per termi- nated cas	Rate of confin- ement per annum per 1000 insured women-emp- loyees exposed	Average amount paid per confinement
I	2	3	4	5	6	7	8	9	10	11
Andhra Pradesh	1964-65	1,50,693	74,900	1.12	10.1	Rs. 2.07	2.8	137.6	62.5	Rs. 252
	1965-66	1,57,231	78,550	1.26	10.2	2.17	3.2	153.7	108.2	173
Assam	1964-65	6,079	8,500	0.52	3.8	2.16	0.6	216.7	10.0	385
	1965-66	9,396	9,750	0.66	4.4	2.35	1.1	163.6	40.0	244
Bihar	1964-65	38,894	50,200	0.44	5.0	2.34	3.3	175.5	75.3	264
	1965-66	43,401	53,350	0.44	5.1	2.44	2.2	193.4	98.5	136
Delhi	1964-65	88,230	73,650	0.79	7.5	2.63	13.1	203.2	23.7	209
	1965-66	90,956	79,400	0.73	7.3	2.85	9.3	186.8	16.4	173
Gujarat	1964-65			Not available						
	1965-66	N.A.	1,56,250	0.36	3.0	3.42	0.8	N.A.	81.8	312
Kerala	1964-65	2,20,332	90,600	1.53	11.9	1.78	5.7	103.4	120.7	125
	1965-66	2,97,936	1,18,850	1.39	11.2	1.76	5.4	111.2	145.3	142
Madhya Pradesh	1964-65	1,38,689	87,450	0.97	9.8	2.40	5.2	105.3	99.7	275
	1965-66	1,67,911	1,90,550	1.07	12.2	2.58	4.3	124.7	102.8	274
Madras	1964-65	4,08,611	2,45,250	1.22	9.7	2.51	4.5	111.5	71.0	330
	1965-66	4,13,805	2,60,250	1.35	8.7	2.91	5.3	114.7	79.9	315
Maharashtra	1964-65	9,49,725	6,79,650	0.98	8.2	3.09	6.6	96.5	37.1	439
	1965-66	11,24,758	7,09,150	1.09	9.5	3.45	8.2	112.3	39.5	448

Mysore . .	1964-65	1,50,604	1,10,400	0.96	6.9	2.32	2.7	114.7	96.0	174
	1965-66	1,84,162	1,30,500	0.97	7.3	2.43	2.8	123.3	83.2	217
Orissa . .	1964-65	26,015	22,700	2.25	6.1	2.29	1.1	174.5	45.5	220
	1965-66	30,351	24,550	3.57	7.8	2.51	1.6	176.7	36.8	219
Punjab . .	1964-65	54,459	95,050	0.36	2.8	2.23	5.8	162.1	16.9	152
	1965-66	54,434	1,17,750	0.26	2.3	2.36	1.8	162.8	18.0	179
Rajasthan .	1964-65	27,557	36,000	0.40	3.9	2.06	5.7	170.5	73.7	199
	1965-66	28,470	1,40,500	0.35	3.5	2.18	2.8	146.5	51.4	282
Uttar Pradesh .	1964-65	1,94,042	2,02,150	0.66	6.3	2.28	2.3	174.1	16.6	215
	1965-66	2,15,346	2,22,750	0.65	6.8	2.44	1.7	178.9	15.2	183
West Bengal .	1964-65	4,61,472	4,04,250	0.85	7.1	2.23	2.0	173.1	38.8	290
	1965-66	1,805,155	6,54,050	0.91	7.8	2.37	4.5	157.4	50.3	296
TOTAL .	1964-65	29,15,402	21,80,750	0.94	7.8	2.55	4.7	118.3	72.0	228
	1965-66	36,23,312	27,46,200	0.96	7.9	2.77	4.9	127.0	83.5	224

APPENDIX XIII

Incidence of Disablement and Dependants Benefit Claims admitted in 1964-65 and 1965-66—STATE-WISE

State	Period	No. of employees deemed exposed to risk	Temporary Disablement Benefit			Permanent Disablement Benefit			Dependents Benefit		
			Rate of fresh spells per employee per annum	No. of T.D.B. days per employee per annum	Average daily rate of T.D.B.	No. of fresh cases admitted	Rate of fresh cases per 1000 employees per annum	No. of cases commuted for lump sum	No. of Beneficiaries at the end of the year	No. of death cases admitted	No. of Beneficiaries at the end of the year
I	2	3	4	5	6	7	8	9	10	11	12
Rs.											
Andhra Pradesh	1964-65	78,250	0.04	1.02	1.96	141	1.80	166	215	12	105
	1965-66	80,100	0.04	0.75	2.05	127	1.59	77	265	4	114
Assam	1964-65	9,500	0.03	0.69	1.83	29	3.05	17	33	..	2
	1965-66	10,450	0.02	0.57	2.01	17	1.63	15	35	1	5
Bihar	1964-65	52,650	0.03	0.61	2.12	46	0.87	18	143	6	87
	1965-66	55,700	0.03	0.54	2.24	54	0.97	26	169	7	106
Delhi	1964-65	78,500	0.08	1.18	2.45	286	3.66	271	1,179	11	163
	1965-66	82,000	0.05	1.08	2.68	18 270 18	3.30	161	1,289	5	176
Gujarat	1964-65	1,03,300	0.03	0.40	3.07	..	..	..	..	..	..
	1965-66	2,12,700	0.05	0.77	3.25	510 18	2.40	323	187	15	62
Kerala	1964-65	1,16,500	0.04	0.59	2.15	95	0.82	63	219	4	93
	1965-66	1,26,850	0.03	0.58	2.23	163	1.28	119	259	15	142
Madhya Pradesh	1964-65	90,000	0.07	1.19	2.32	142	1.58	166	557	11	174
	1965-66	92,200	0.06	1.22	2.51	156	1.69	114	587	7	190
Madras	1964-65	2,56,200	0.05	0.69	2.64	310	1.21	359	575	14	158
	1965-66	2,72,050	0.05	0.69	3.00	397	1.46	312	658	14	196

Maharashtra	1964-65	7,05,850	0.04	0.67	2.93	1.172 8S	1.67	852	6,219	54	1,174
	1965-66	7,43,100	0.04	0.69	3.16	1.352 1S	1.82	482	7,075	33	1,263
Mysore	1964-65	1,28,200	0.04	0.55	2.29	196	1.53	192	340	8	66
	1965-66	1,40,550	0.04	0.53	2.45	235	1.67	231	343	13	102
Orissa	1964-65	24,150	0.16	0.84	2.22	78	3.23	41	197	2	19
	1965-66	26,000	0.13	0.99	2.25	91	3.50	57	230	1	24
Punjab	1964-65	1,10,550	0.04	0.63	2.03	187	1.69	210	666	13	170
	1965-66	1,39,800	0.03	0.54	2.13	306	2.19	207	757	14	198
Rajasthan	1964-65	39,300	0.03	0.63	1.78	34	0.87	56	168	6	76
	1965-66	46,250	0.03	0.67	1.95	65	1.41	50	182	4	90
Uttar Pradesh	1964-65	2,16,550	0.04	0.73	2.13	282	1.30	401	1,034	23	396
	1965-66	2,41,600	0.03	0.70	2.24	383 2S	1.59	328	1,088	15	433
West Bengal	1964-65	6,45,150	0.06	1.13	2.20	1,454	2.25	1,020	2,386	41	488
	1965-66	7,24,100	0.06	1.31	2.36	2,133 5S	2.95	1,462	3,057	52	591
TOTAL	1964-65	26,54,650	0.05	0.81	2.41	4,452 9S	1.68	3,832	13,931	205	3,171
	1965-66	29,93,450	0.05	0.85	2.61	6,259 5S	2.09	3,964	16,181	200	3,692

S—relates to Second Accident.

APPENDIX XIV

Incidence of Permanent Disablement Benefit Claims admitted in 1964-65 and 1965-66—INDUSTRY-WISE

Industry	Period	Estimated No. of employees exposed to risk	No. of accident cases admitted	Rate of PDB per 1000 Employees per annum
1	2	3	4	5
Food Beverage and Tobacco	1964-65 1965-66	1,21,632 1,40,981	127 164	1.04 1.16
Textiles	1964-65 1965-66	11,36,292 12,63,555	1,826 2,977	1.0 2.36
Leather and Rubber	1964-65 1965-66	69,324 1,62,139	103 117	1.49 1.88
Chemicals and Chemical Products	1964-65 1965-66	1,23,086 1,35,194	118 170	0.96 1.26
Non-metallic Minerals	1964-65 1965-66	1,53,831 1,67,122	131 178	0.85 1.07
Metallic Minerals	1964-65 1965-66	3,08,678 3,56,317	723 832	2.34 2.33
Engineering	1964-65 1965-66	13,16,051 13,80,383	692 958	2.19 2.52
Transport	1964-65 1965-66	1,68,438 1,94,972	276 357	1.64 1.83
Paper and Printing	1964-65 1965-66	1,01,445 1,16,803	167 173	1.65 1.48
Miscellaneous	1964-65 1965-66	1,55,873 1,75,984	298 338	1.91 1.92
TOTAL	1964-65 1965-66	26,54,650 29,93,450	4,461 6,264	1.68 2.09

APPENDIX XV

Particulars of legal action taken during 1965-66 under the E.S.I. Act.

State	Amount involved in cases filled under				Amount recovered by action under			number of prosecution filed under	
	Section 66	Section 67	Section 73-D	Section 75	Section 66	Section 67	Section 73-D	Section 75	Section 85
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh	37,765.00	..	88,718.78	31,339.36	1,251.87	..	79,514.00	22,843.00	6
Assam	..	..	66,316.67	58,172.94	..	..	18,628.71	10,461.09	7
Bihar	..	..	1,24,144.85	54,632.68	..	..	58,783.86	9,856.90	30
Delhi	65,857.24	..	12,796.95	1,43,957.89	15,116.52	..	18,057.86	39,440.64	13
Gujarat	32,466.25	..	3,37,542.21	14,813.60	..	..	36,562.18	7,441.32	48
Kerala	6,921.61	..	3,73,534.46	2,66,311.19	..	..	89,853.54	47,505.18	38
Madhya Pradesh	62,890.95	..	7,13,682.99	1,33,236.40	..	..	1,76,065.21	..	7
Madras	4,02.50	4,038.75	4,80,774.26	1,51,769.84	..	..	1,04,704.05	47,905.28	43
Maharashtra	2,65,424.53	485.62	4,97,956.01	3,35,360.04	69,030.71	..	63,061.54	1,56,646.71	247
Mysore	4,094.83	..	2,28,611.59	55,149.04	..	..	78,278.43	14,921.27	10
Orissa	..	..	55,128.31	29,526.99	..	..	676.81	..	..
Punjab	76,344.93	..	3,94,090.78	3,72,284.45	..	..	2,09,673.52	1,24,571.95	127
Rajasthan	8,917.14	..	2,01,703.90	68,538.57	1,138.30	..	22,774.18	755.78	17
Nagpur area	4,352.86	617.94	95,154.00	20,480.28	397.49	1,298.03	44,009.41	5,136.96	40
Uttar Pradesh	22,515.24	..	12,87,300.70	1,94,909.37	10,826.25	..	2,67,423.26	14,893.09	41
West Bengal	37,730.30	..	1,26,862.91	3,28,982.41	1,977.00	..	51,748.54	1,15,757.46	86
TOTAL	6,26,293.38	5,142.31	50,84,319.37	2,259,465.05	99,738.64	1,298.03	13,19,815.10	6,18,136.63	763

APPENDIX

INCOME

Income and Expenditure Account

Previous year (1963-64)	Head of Account	Amount	Total
		Rs.	Rs.
	By Contributions :—		
8,10,90,051	Employers' Share only.	9,96,74,412	
6,64,13,980	Employees' Share only	8,87,93,177	
14,75,04,031	Total Contributions		18,84,67,589
	Other Heads of Revenue :		
..	Grant-in-aid, Donations and Gifts		
75,76,003	Interests and Dividends	72,95,756	
1,12,231	Compensations	1,05,602	
2,03,553	Rents, Rates and Taxes	25,282	
4,981	Fees, Fines and Forfeitures	3,439	
1,85,594	Miscellaneous	2,00,062	
80,82,362			76,30,141

XV)

for the year ended 31 March, 1965

EXPENDITURE

Previous Year 1963-64	Head of Account	Amount	Total
Rs.		Rs.	Rs.
	1. Benefits to insured persons and their families		
	<i>A—Medical Benefits</i>		
	(i) Payments to State Governments etc. as Corporations' Share of their expenses on providing medical treatment, and maternity facilities etc.		
5,17,34,402		6,96,84,320	
	(ii) Medical treatment and care and maternity facilities (expenses incurred direct by the Corporation)—Total Expenditure	34,88,362	
30,54,970			
5,47,89,372	Total A—Medical Benefits.		7,31,72,682
	<i>B—Cash Benefits</i>		
3,84,95,524	(1) Sickness Benefits	4,30,83,641	
16,35,017	(2) Extended Sickness Benefits	33,28,102	
20,68,301	(3) Maternity Benefits	24,24,141	
40,42,349	(4) Temporary Disablement Benefits	51,63,079	
55,20,700	(5) Permanent Disablement Benefits (Capitalised Value).	73,04,700	
16,92,300	(6) Dependants Benefits (Capitalised Value)	22,77,000	
5,34,54,191	Total—Cash Benefits		6,35,80,663
7,754	(1) Provision of Artificial Limbs.	19,765	
95,614	(2) Medical Boards	96,496	
..	(3) Fees paid for post-mortem examination of insured persons.	20	
33,137	(4) Payments to insured persons on account of conveyance charges and/or loss of wages.	34,115	
100	(5) Cost of Artificial teeth provided to insured persons.	307	
10,000	(6) Grant-in-aid	1,600	
80,239	(7) Miscellaneous	87,945	
2,26,844	Total C—Other Benefits		2,40,248
10,84,70,407	Total—Benefits to insured persons and their families.		13,69,93,593
	2—Administration Expenses		
	<i>A—Superintendence</i>		
20,546	(1) Corporation, Standing Committee, Regional Boards.	26,902	
1,70,692	(2) Principal Officers	2,01,042	
11,16,389	(3) Other Officers	13,10,319	
34,69,807	(4) Ministerial Establishment	43,44,182	
7,01,045	(5) Class IV Servants	8,55,167	
20,59,385	(6) Contingencies	28,48,203	
75,37,864	Total A—Superintendence		95,85,815

1963-64

Total

15,55,86,393

Grand Total

19,60,97,730

Previous year 1963-64	Head of Account	Amount	Total	Total
<i>B—Field Work</i>				
2,03,804	(1) Officers	2,64,115		
41,88,813	(2) Ministerial Establishment	52,94,389		
7,14,713	(3) Class IV Servants	9,14,476		
8,48,616	(4) Contingencies	9,29,568		
59,55,946	Total B—Field Work		74,02,548	
<i>C—Other Charges</i>				
90,634	(1) Legal Charges	99,171		
18,629	(2) Insurance Courts	11,205		
2,581	(3) Publicity and Advertisement	4,895		
15,018	(4) Charges for maintaining Banking Account.	7,207		
48,838	(5) Audit Fees	58,395		
1,59,175	(6) Depreciation of Office Buildings/ Dispensaries / Equipments/ Staff Cars. etc.	1,90,102		
34,600	(7) Repairs, Maintenance of office buildings owned by the Corporation	44,503		
..	(8) Repairs and Maintenance of Hospital Buildings owned by the Corporation.	3,64,186		
5,13,000	(9) Pension Reserve Fund for the Employees' of the Corporation	2,61,700		
4,79,998	(10) Corporations' Contribution to ESI Corporation Provident Fund	5,00,000		
2,55,055	(11) Interest paid to the ESI Corporation Provident Fund	3,12,726		
—)	36,552 (12) Less interest and gain realised on investment.	79,187		
10,678	(12) Miscellaneous	74		
260	(13) Losses . . . . .	..	
15,91,914	Total C—Other Charges		17,75,205	
1,50,85,724	Total 2—Administration Expenses			1,87,63,568
72,35,56,131	Total Expenditure on Revenue Account			15,57,57,161
	To excess of income over expenditure carried over to			
3,20,30,262	Balance Sheet			4,03,10,569
15,55,86,393	Grand Total			19,60,97,730

(Sd.) T. P. KHOSLA,
Chief Accounts Officer,
Employees' State Insurance Corporation.

APPENDIX

Balance Sheet as on

Previous Year (1963-64)	Liabilities	Amount	Total
		Rs.	Rs.
	<i>Balance of Excess of Income Over Expenditure</i>		
24,26,47,055	As per last Balance Sheet	27,46,77,317	
3,20,30,262	Accumulations during the year	4,03,40,569	31,50,17,886
27,46,77,317			
	<i>Permanent (Partial and Total) Disablement/ Reserve Fund</i>		
2,34,88,600	As per last Balance Sheet	2,52,39,818	
55,20,700	Provision made during the year	73,04,700	
10,37,789	Interest received from investments (Interest received Rs. 11,11,121/-)	11,17,615	
3,00,47,089	(Gain on realisation Rs. 6,494/-)	3,36,62,133	
48,07,271	Less Payments made during year	49,44,989	
2,52,39,818			2,87,17,144
	<i>Dependants' Benefit Reserve Fund</i>		
81,04,154	As per last Balance Sheet	95,08,539	
16,92,300	Provision made during year	22,77,000	
4,14,081	Interest received from investments (Interest received Rs. 4,29,072/-)	4,34,277	
1,02,10,535	(Gain on realisation Rs. 5,205/-)	1,22,19,816	
7,01,996	Less Payments made during year	8,29,368	1,13,90,448
95,08,539			
	<i>Employees' State Insurance Corporation Provi- dent Fund</i>		
59,90,092	As per last balance sheet	74,01,992	
	Add Amount credited during year :		
10,91,083	Employees' Contribution	12,12,095	
4,80,000	Corporation Contribution	5,00,000	
2,55,055	Interest on Employees' and Corporation Shares	3,12,726	
78,16,230		1,94,27,623	
4,14,238	Less Payments made during year	5,21,348	
74,01,992			1,89,06,275
	<i>Depreciation Reserve Fund of buildings for the offices of the Corporation (including staff quarters)</i>		
1,38,399	As per last balance sheet	1,56,384	
15,216	Provision made during the year	15,420	
2,769	Interest received from investments	9,365	1,81,169
1,56,384			
	<i>Depreciation Reserve Fund of equipments and Examinations Centres</i>		
18,010	As per last balance sheet	22,978	
4,968	Provision made during the year	4,968	
	Interest received from investment		
22,978			27,946

XVII

31st March, 1965

Previous Year 1963-64	Assets	Amount	Total
		Rs.	Rs.
	<i>Lands and Buildings (Wholly owned by the Corporation)</i>		
	(a) <i>Buildings for offices of the Corporation (including staff quarters)</i>		
13,71,254	As per last balance sheet	14,12,896	
41,642	Additions during the year	676	
14,12,896		14,13,572	
	(b) <i>Hospitals and Dispensaries</i>		
64,13,044	As per last balance sheet	1,03,83,371	
39,70,327	Additions during the year	2,56,83,661	
1,03,83,371		3,60,67,032	
1,17,96,267			3,74,80,604
	<i>Lands and Buildings (jointly owned by the Corporation and State Governments)—Corporation's share</i>		
	(a) <i>Hospitals and Dispensaries</i>		
2,97,483	As per last balance sheet	2,97,483	
..	Additions during the year	33,540	
2,97,483		3,31,023	
	(b) <i>Equipments for Hospitals etc.</i>		
49,680	As per last balance sheet	49,680	
..	Additions during the year . . . .	..
49,680		49,680	
3,47,163			3,80,703
	<i>Suspense (Advance for construction of Hospitals, their equipments, offices, etc.)</i>		
4,26,14,944	As per last balance sheet	7,58,64,318	
3,32,49,374	Add Payments made during the year	3,72,52,786	
7,58,64,318		11,31,17,104	
..	LESS adjustments and Recoveries	2,57,52,669	
7,58,64,318			8,73,64,435
	<i>Staff Cars</i>		
67,295	As per last balance sheet	84,089	
16,794	Add Payments made during year	60	
84,089			84,149

Previous Year 1963-64	Liabilities	Amount	Total
		Rs.	Rs.
<i>Depreciation Reserve Fund of Hospitals</i>			
44,712	As per last balance sheet	1,72,602	
1,26,984	Provision made during the year	1,56,667	
906	Interest received from investments	3,318	3,32,587
1,72,602			
<i>Depreciation Reserve Fund of Staff Cars</i>			
17,100	As per last balance sheet	29,107	
12,007	Provision made during the year	13,047	
..	Interest received from investments	..	42,154
29,107			
<i>Repairs and Maintenance Reserve Fund of buildings for the offices of the Corporation</i>			
1,06,460	As per last balance sheet	1,36,958	
33,000	Provision made during year	44,530	
2,704	Interest received on investments	10,289	
1,42,164		1,91,777	
5,206	LESS Payments made during the year	10,335	1,81,442
1,36,958			
<i>Repairs and Maintenance Reserve Fund Account of Hospitals</i>			
..	As per last balance sheet	1,600	
1,600	Provision made during year	3,64,186	
..	Interest received on investments	..	3,65,786
1,600			
<i>Pension Reserve Fund for the Employees' of the Corporation</i>			
6,66,069	As per last balance sheet	12,05,196	
5,13,000	Provision made during the year	2,61,700	
31,824	Interest received on Investments.	53,922	
12,10,893		15,20,818	
5,697	LESS Payments made during the year	20,843	14,99,975
12,05,196			
<i>Deposits of Securities e.g. Contractors</i>			
77,120	As per last balance sheet	1,06,849	
1,20,036	ADD Deposits—during the year	1,09,017	
1,97,156		2,15,866	
90,307	LESS Deposits repaid during year	1,03,931	1,11,935
1,06,849			

Previous Year (1963-64)	Assets	Amount	Total
		Rs.	Rs.
<i>Permanent Advance to the Heads Offices of the Corporation</i>			
17,956	As per last balance sheet	19,226	
2,350	ADD Payments made during the year . .	1,539	
19,406		20,765	
180	LESS Recoveries made during year . .	299	
19,226			20,466
<i>Advance of Pay on transfer to the Employees' of the Corporation</i>			
5,651	As per last balance sheet	14,129	
56,234	ADD Payments made during year . .	61,103	
61,885		75,232	
47,756	LESS Recoveries made during year . .	67,624	
14,129			7,608
<i>Advance of T. A. on transfer to the Employees' of the Corporation</i>			
10,327	As per last balance sheet	17,573	
76,746	ADD Payments made during year . .	83,130	
87,073		1,00,703	
69,500	LESS Recoveries made during year . .	82,509	
17,573			18,194
<i>Advance for purchase of Conveyances to the Employees' of the Corporation</i>			
1,09,479	As per last balance sheet	1,21,316	
1,04,948	ADD Payments during the year . .	1,31,190	
2,14,427		2,52,506	
93,111	LESS Recoveries made during the year .	1,10,675	
1,21,316			1,41,831
<i>House building advance</i>			
..	As per last balance sheet . . . .	..
..	ADD Payments made during the year . .	4,500	
			4,500
<i>Miscellaneous Advances to the Employees' of the Corporation. (Festival advances)</i>			
62,297	As per last balance sheet	78,763	
2,21,056	ADD Payments made during the year . .	2,40,407	
2,83,353		3,19,170	
2,04,590	LESS Recoveries made during the year .	2,38,053	
78,763			81,117

Previous Year (1963-64)	Liabilities	Amount	Total
		Rs.	Rs.
	<i>Deductions from bills payable to other parties</i>		
5,923	As per last balance sheet	16,585	
2,23,084	ADD Amount credited during year . . .	2,26,443	
2,29,007		2,43,028	
2,12,422	LESS Payments made during year . . .	2,30,232	
16,585			12,796
	<i>Unclaimed deposits in the Employees' State Insurance Corporation Provident Fund</i>		
222	As per last balance sheet	329	
107	ADD Amount credited during year . . .	4,043	
329		4,372	
..	LESS Payments made during year . . .	98	
329			4,274
	<i>Miscellaneous Deposits</i>		
1,896	As per last balance sheet	12,000	
..	LESS Deposits repaid during year . . .	..
10,104	ADD Deposits received during year . . .	72,115	
12,000			84,115

Previous Year (1963-64)	Assets	Amount	Total
		Rs.	Rs.
<i>Advance payments on behalf of State Governments</i>			
2,883	As per last balance sheet	1,134	
4,321	ADD Payments made during the year	3,937	
7,204		5,071	
6,070	LESS Recoveries made during the year	3,905	
1,134			1,166
<i>Advance to the Reserve Bank of India for the purchase of Securities</i>			
50,000	As per last balance sheet . . . . .	..
45,40,000	ADD Payments made during the year	53,70,780	
45,90,000		53,70,780	
45,90,000	LESS Adjustments made during year	53,70,780	
..			
<i>Miscellaneous Advances</i>			
1,63,620	As per last balance sheet	2,47,620	
1,86,340	ADD Payments made during year	1,54,914	
3,49,960		4,02,534	
1,02,340	LESS Receipts during the year	85,895	
2,47,620			3,16,639
<i>Loans granted to State Governments</i>			
23,12,426	As per last balance sheet	26,16,546	
3,04,120	ADD Payments made during year	23,59,000	
26,16,546			49,75,546
<i>Remittances. Cash Remittances.</i>			
7,000	As per last balance sheet	4,94,800	
25,59,51,436	ADD Debits adjusted during the year	29,44,68,306	
25,59,58,436		29,49,63,106	
25,54,63,636		29,50,09,242	
4,94,800			(—)46,136
<i>Other Remittances-Exchange Accounts</i>			
..	As per last balance sheet . . . . .	..
4,28,66,213	ADD Debits during the year	3,97,95,353	
4,28,66,213	LESS Credits during the year	3,97,95,353	

Previous Year (1963-64)	Liabilities	Amount	Total
		Rs.	Rs.

Previous Year (1963-64)	Assets	Amount	Total
		Rs.	Rs.
<i>Investments at cost</i>			
<i>(a) Depreciation Reserve Fund of buildings for the offices of the Corporation</i>			
1,18,853	As per last balance sheet	1,38,353	
19,500	ADD Investments made during year	54,405	
1,38,353		1,92,758	
..	LESS Realisation on maturity or sale of investment	11,950	
1,38,353			1,80,808
<i>(b) Depreciation Reserve Fund of equipment in Hospitals and Examination Centres</i>			
12,900	As per last balance sheet	17,900	
5,000	ADD Investments made during the year	3,000	
17,900			22,900
<i>(c) Depreciation Reserve Fund of Hospitals</i>			
3,000	As per last balance sheet	44,500	
41,500	ADD Investments made during year	1,28,000	
44,500			1,72,500
<i>(d) Depreciation Reserve Fund of Staff Cars</i>			
9,000	As per last balance sheet	17,000	
8,000	ADD Investments made during year	12,000	
17,000			29,000
<i>(e) Repair and Maintenance Reserve Fund of buildings for the offices of the Corporation</i>			
87,402	As per last balance sheet	1,06,402	
19,000	ADD Investments made during year	69,975	
1,06,402		1,76,377	
..	LESS Realisation on maturity or sale of investments	32,650	
1,06,402			1,43,727
<i>(f) Repairs and Maintenance Reserve Fund of Hospital Building</i>			
..	As per last Balance Sheet . . . . .	..
..	ADD Investment made during the year	1,600	
..			1,600
<i>(g) Permanent (Partial and Total) Disablement Benefit Reserve Fund</i>			
2,32,74,249	As per last balance sheet	2,52,30,252	
19,56,003	ADD Investment made during year	35,48,700	
2,52,30,252		2,87,78,952	
..	LESS Realisation on maturity or sale of investments	82,206	
2,52,30,252			2,86,96,746

Previous Year (1963-64)	Liabilities	Amount	Total
		Rs.	Rs.

Previous Year (1963-64)	Assets	Amount	Total
		Rs.	Rs.
	<i>(h) Dependents' Benefit Reserve Fund</i>		
78,54,193	As per last balance sheet	94,87,496	
16,33,303	ADD Investments made during year	17,27,100	
94,87,496		1,12,14,596	
..	LESS Realisation on maturity or sale of investments	65,895	
94,87,496			1,11,48,701
	<i>(i) E.S.I.C. Provident Fund</i>		
52,69,577	As per last balance sheet	66,12,427	
13,80,000	ADD Investments made during year	15,23,600	
66,49,577		81,36,027	
37,150	LESS Realisation on maturity or sale of investments	1,76,676	
66,12,427			79,59,351
	<i>(j) Pension Reserve Fund for the employees' of the Corporation</i>		
6,46,093	As per last balance sheet	11,83,804	
5,37,711	ADD Investment made during year	21,000	
11,83,804			12,04,804
	<i>General Cash Balances</i>		
18,07,52,462	Investments as per last balance sheet	17,13,09,740	
10,91,92,900	ADD Investments during the year	13,90,36,080	
28,92,75,362		31,03,45,820	
11,86,65,622	LESS Realisation on maturity or sale of Investments	14,17,23,206	
17,13,09,740		16,86,22,614	
3,52,145	Cash in hand	13,94,131	
1,24,85,291	Cash with bankers	1,74,68,228	
1,28,37,436		1,78,62,359	
18,41,47,176	TOTAL Cash Balance		18,64,84,973

[illegible]

APPENDIX

Income and Expenditure Account for

NOTE.—The accounts for the year 1965-66 have still to be audited by the External Auditors.

INCOME

Previous Year (1964-65)	Head of account	Amount	Total
Rs.		Rs.	Rs.
	By Contributions:—		
9,96,74,412	Employers' Share only	11,67,12,836	
8,87,93,177	Employees' Share only	10,39,69,964	
18,84,67,589	Total Contributions		22,06,82,800
	State Government Share towards medical benefits initially incurred by the Corporation	₹ 2,74,699	[2,74,699
	Other Heads of Revenue		
..	Grant-in-aid, Donations and Gifts . . . . .	..
72,95,756	Interests and Dividends	₹ 93,95,958	
1,05,602	Compensations	[1,15,615	
₹ 25,282	Rents, Rates and Taxes	₹ 2,22,796	
[3,439	Fees, Fines and Forfeitures	₹ 6,304	
2,00,062	Miscellaneous	2,29,878	
76,30,141			99,70,551

XVIII

the year ended 31st March, 1966

EXPENDITURE

Previous year (1964-65)	Head of Account	Amount	Total
Rs.		Rs.	Rs.
	<i>1. Benefits to insured persons and their families</i>		
	— <i>Medical Benefits</i>		
6,96,84,320	(i) Payments to State Governments etc. as Corporations' Share of their expenses on providing Medical treatment and maternity facilities etc.	9,21,89,254	
	(ii) Medical treatment and care and maternity facilities (expenses incurred direct by the Corporation)—		
34,88,362	(Total Expenditure)	36,85,782	
7,31,72,682	<i>Total A—Medical Benefits</i>		9,58,75,036
	<i>B—Cash Benefits</i>		
4,30,83,641	(1) Sickness Benefits	6,04,20,850	
33,28,102	(2) Extended Sickness Benefits	47,19,595	
24,24,141	(3) Maternity Benefits	33,71,412	
51,63,079	(4) Temporary Disablement Benefits	66,65,880	
73,04,700	(5) Permanent Disablement Benefits (Capitalised Value)	1,07,35,850	
22,77,000	(6) Dependents Benefits (Capitalised Value)	23,17,000	
6,35,80,663	<i>Total—Cash Benefits</i>		8,82,30,587
	<i>C—Other Benefits</i>		
20,072	(a) Expenditure on the Rehabilitation of disabled persons	30,008	
96,496	(b) Medical Boards and Appeal Tribunals	1,30,296	
34,115	(c) Payments to I.P.S. on a/c. of conveyance charges and/or loss of wages	50,070	
1,600	(d) Grant-in-aid	6,221	
87,965	(e) Miscellaneous	1,13,486	
2,40,248	<i>Total C—Other Benefits</i>		3,30,081
13,69,93,593	<i>Total Benefits to insured persons and their families</i>		18,44,35,704
	<i>2—Administration Expenses</i>		
	<i>A—Superintendence</i>		
26,902	(1) Corporation, Standing Committee Regional Boards, etc.	24,109	
2,01,042	(2) Principal Officers	2,00,181	
2,27,944			

Previous year (1964-65)	Head of Account	Amount	Total
Rs.		Rs.	Rs.

19,60,97,730

Grand Total

23,09,28,030

New Delhi;
Dated the 30th May, 1966

Previous year (1964-65)	Head of Account	Amount	Total
2,27,944			
13,10,319	(3) Other Officers	16,56,069	
43,44,182	(4) Ministerial Establishment	53,72,261	
8,55,167	(5) Class IV Servants	10,70,665	
28,48,203	(6) Contingencies	22,80,028	
95,85,815	TOTAL A—Superintendence		1,06,03,313
<i>B—Field Work</i>			
2,64,115	(1) Officers	3,45,538	
52,94,389	(2) Ministerial Establishment	66,09,174	
9,14,476	(3) Class IV Servants	11,94,332	
9,29,568	(4) Contingencies	12,79,192	
74,02,548	TOTAL B—Field Work		94,28,236
<i>C—Other Charges</i>			
99,171	(1) Legal Charges	96,149	
11,205	(2) Insurance Courts	72,823	
4,896	(3) Publicity & Advertisement	7,918	
7,207	(4) Charges for maintaining of Banking Account	8,980	
58,595	(5) Audit Fees	58,815	
1,90,102	(6) Depreciation of Office Buildings/Dispensaries Equipments/Staff Cars, etc.	4,15,479	
44,530	(7) Repairs, Maintenance of office buildings owned by the Corporation	2,04,366	
3,64,186	(8) Repairs Maintenance of Hospital Buildings, owned by the Corporation	7,06,212	
2,61,700	(9) Pension Reserve Fund for the employees of the Corporation	2,95,000	
5,00,000	(10) Corporations' Contribution to ESI Corporation Provident Fund	1,46,002	
13,12,726	(11) Interest paid to the ESI Corporation Provident Fund.	2,76,200	
(—)79,187	(12) Less interest & gain realised on investment	(—)65,875	
74	(13) Miscellaneous . . . . .	..
..	(14) Losses . . . . .	..
17,75,205	TOTAL C—Other Charges		22,24, -
1,87,63,568	TOTAL 2—Administration Expenses		2,22,53,618
15,57,57,161	TOTAL Expenditure on Revenue Account		20,66,89,322
4,03,40,569	To excess of income over expenditure carried over to Balance Sheet		2,42,38,728
19,60,97,730	GRAND TOTAL		23,09,28,050

(Sd/-) T.P. KHOSLA,
Chief Accounts Officer,
Employees' State Insurance Corporation.

APPENDIX

Balance Sheet as on

NOTE.—The accounts for the year 1965-66 have still to be audited by the External Auditors.

Previous year (1964-65)	Liabilities	Amount	Total
Rs.		Rs.	Rs.
<i>Balance of Excess of Income over Expenditure</i>			
27,46,77,317	As per last Balance Sheet	31,50,17,886	
4,03,40,569	Accumulations during the year	2,42,38,728	
31,50,17,886			33,92,56,614
<i>(1) Permanent (Partial and Total) Disablement Reserve Fund.</i>			
2,52,39,818	As per last Balance Sheet	2,87,17,144	
73,04,700	Provision made during the year	1,07,35,850	
11,17,615	Interest received from investments	13,45,079	
3,36,62,133		4,07,98,073	
49,44,989	Less Payments made during the year	57,72,311	
2,87,17,144			3,50,25,762
<i>(2) Dependants' Benefit Reserve Fund</i>			
95,08,539	As per last Balance Sheet	1,13,90,448	
22,77,000	Provision made during the year	23,17,000	
4,34,277	Interest received from investments	5,34,702	
1,22,19,816		1,42,42,150	
8,29,368	Less Payments made during the year	9,71,132	
1,13,90,448			1,32,71,018
<i>(3) Employees' State Insurance Corporation Provident Fund.</i>			
74,01,992	As per last Balance Sheet	89,06,275	
<i>Add Amount credited during year :—</i>			
12,12,905	Employee's Contribution	14,25,912	
5,00,000	Corporation Contribution	1,46,002	
3,12,726	Interest on Employees and Corporation Shares	2,76,200	
94,27,623		1,07,54,389	
5,21,348	Less Payments made during the year	9,88,138	
89,06,275		97,66,251	
..	Less Amount transferred to Pension Reserve Fund	(—)26,36,024	71,30,227

XIX

31 March, 1966

Previous year (1964-65)	Assets	Amount	Total
Rs.		Rs.	Rs.
	<i>Lands and Buildings (wholly owned by the Corporation).</i>		
	(a) <i>Buildings for Offices of the Corporation (including staff quarters).</i>		
14,12,896	As per last balance sheet	14,13,572	
676	Additions during the year	52,26,734	
14,13,572		66,40,306	
	(b) <i>Hospitals and Dispensaries.</i>		
1,03,83,371	As per last balance sheet	3,60,67,032	
2,56,83,661	Additions during the year	2,30,27,442	
3,60,67,032		5,90,94,474	
3,60,67,032			6,57,34,780
	<i>Lands and Buildings (jointly owned by the Corporation and State Governments Corporation's share).</i>		
	(a) <i>Hospitals & Dispensaries.</i>		
2,97,483	As per last balance sheet	3,31,023	
33,540	Additions during the year	74,308	
3,31,023		4,05,331	
	(b) <i>Equipments for Hospitals etc.</i>		
49,680	As per last balance sheet	49,680	
..	Additions during the year . . . .	..
49,680		49,680	
3,80,703			4,55,011
	<i>Suspense (Advance for construction of Hospitals, their equipments, office building)</i>		
7,58,64,318	As per last balance sheet	8,73,64,435	
3,72,52,786	Add Payments made during the year	3,58,79,606	
11,31,17,104		12,32,44,041	
2,57,52,669	Less Adjustments & Recoveries	2,53,02,399	
8,73,64,435			9,79,41,642
	<i>Staff Cars</i>		
84,089	As per last balance sheet	84,419	
60	Add Payments made during the year . . . .	..
84,149			84,149

Previous year (1964-65)	Liabilities	Amount	Total
Rs.		Rs.	Rs.
(4) <i>Depreciation Reserve Fund of Buildings for the offices of the Corporation (including staff quarters).</i>			
1,56,384	As per last balance sheet	1,81,169	
15,420	Provision made during the year	32,590	
9,365	Interest received from investments	12,333	
<u>1,81,169</u>			2,26,092
(5) <i>Depreciation Reserve Fund of equipment in Hospitals and Examination Centres</i>			
22,978	As per last balance sheet	27,946	
4,968	Provision made during the year	4,968	
	Interest received from investments	1,094	
<u>27,946</u>			34,008
(6) <i>Depreciation Reserve Fund of Hospitals</i>			
1,72,602	As per last balance sheet	3,32,587	
1,56,667	Provision made during the year	3,67,959	
3,318	Interest received from investments	13,349	
<u>3,32,587</u>			7,14,095
(7) <i>Depreciation Reserve Fund of Staff Cars</i>			
29,107	As per last balance sheet	42,154	
13,047	Provision made during the year	9,962	
	Interest received from investments	2,180	
<u>42,154</u>			54,296
(8) <i>Repairs and Maintenance Reserve Fund of buildings for the Offices of the Corporation</i>			
1,36,958	As per last balance sheet	1,81,442	
44,530	Provision made during the year	2,04,366	
10,289	Interest received on investments	8,623	
<u>1,91,777</u>		3,94,431	
10,335	Less Payments made during the year	3,661	
<u>1,81,442</u>			3,90,770
(9) <i>Repairs and Maintenance Reserve Fund Account of Hospitals</i>			
1,600	As per last balance sheet	3,65,786	
3,64,186	Provision made during the year	7,06,212	
	Interest received on investments	12,842	
<u>3,65,786</u>			10,84,840

Previous year (1964-65)	Assets	Amount	Total
Rs.		Rs.	Rs.
<i>Permanent Advances to the Heads of Offices of the Corporation.</i>			
19,226	As per last balance sheet	20,446	
1,539	Add Payments made during the year	1,561	
20,765		22,027	
299	Less Recoveries made during the year	211	
20,466			21,816
<i>Advances of Pay on transfer to the Employees of the Corporation</i>			
14,129	As per last balance sheet	7,608	
61,013	Add Payments made during the year	44,915	
75,232		52,523	
67,624	Less Recoveries made during the year	42,265	
7,608			10,258
<i>Advance of T.A. on transfer to the Employees of the Corporation.</i>			
17,573	As per last balance sheet	18,194	
83,130	Add Payments made during the year	56,946	
1,00,703		75,140	
82,509	Less Recoveries made during the year	55,574	
18,194			19,386
<i>Advance for purchase of Conveyances to the Employees of the Corporation.</i>			
1,21,316	As per last balance sheet	1,41,831	
1,31,190	Add Payments made during the year	2,73,492	
2,52,506		4,15,323	
1,10,675	Less Recoveries made during the year	1,36,041	
1,41,831			2,79,282
<i>House Building advance.</i>			
..	As per last balance sheet	4,500	
4,500	Add Payments made during the year	14,900	
4,500		19,400	
..	Less Recoveries made during the year	220	
4,500			19,180

Previous Year (1964-65)	Liabilities	Amount	Total
Rs.		Rs.	
	(10) Pension Reserve Fund for the Employees of the Corporation		
12,05,196	As per last balance sheet	14,99,975	
2,61,700	Provision made during the year	2,95,000	
53,922	Interest received on Investment	65,025	
15,20,818		18,60,000	
20,843	Less Payments made during the year	15,390	
14,99,975		18,44,610	
	(Add Amount transferred from ESIC Provident Fund)	26,36,024	
14,99,975			44,80,634
	Deposits of Securities e.g., Contractors		
1,06,849	As per last balance sheet	1,11,935	
1,09,017	Add Deposits during the year	87,607	
2,15,866		1,99,542	
1,03,931	Less Deposits repaid during the year	1,17,141	
1,11,935			82,401
	Deductions from bills payable to other parties		
16,585	As per last balance sheet	12,796	
2,26,443	Add Amount credited during the year	2,91,008	
2,43,028		3,03,804	
2,30,232	Less Payments made during the year	2,88,249	
12,796			15,555
	Unclaimed deposits in the Employees' State Insurance Corporation Provident Fund		
329	As per last balance sheet	4,274	
4,043	Add Amount credited during the year	2,219	
4,372		6,493	
98	Less Payments made during the year		
4,274			6,493
	Miscellaneous Deposits		
12,000	As per last balance sheet	84,115	
	Less Deposits repaid during the year	33,178	
72,115	Add Deposits received during the year		
84,115			50,937

" Previous year
(1964-65)

Assets

Amount

Total

Rs.		Rs.	Rs.
<i>Miscellaneous Advances to the Employees of the Corporation (Festival Advances)</i>			
78,763	As per last balance sheet	81,117	
2,40,407	Add Payments made during the year	2,95,825	
3,19,170		3,76,942	
2,38,053	Less Recoveries made during the year	2,69,422	
81,117			1,07,520
<i>Advance payments on behalf of State Government</i>			
1,134	As per last balance sheet	1,166	
3,937	Add Payments made during the year	4,088	
5,071		5,254	
3,905	Less Recoveries made during the year	4,295	
1,166			959
<i>Advances to the Reserve Bank of India for the purchase of Securities</i>			
..	As per last balance sheet . . . . .	..
53,70,780	Add Payments made during the year	1,32,696	
53,70,780		1,32,696	
53,70,780	Less Adjustments made during the year . . . . .	..
..			1,32,696
<i>Miscellaneous Advances</i>			
2,47,620	As per last balance sheet	3,16,639	
1,54,914	Add Payments made during the year	3,67,603	
4,02,534		6,84,242	
85,895	Less Receipts during the year	96,696	5,87,546
3,16,639			
<i>Loans granted to State Governments</i>			
26,16,546	As per last Balance Sheet	49,75,546	
23,59,000	Add Payments made during the year	22,94,220	
49,75,546			72,69,766

Previous year (1964-65)	Liabilities	Amount	Total
Rs.		Rs.	Rs.

Previous year (1964-65)	Assets	Amount	Total
Rs.		Rs.	Rs.
<i>Remittances</i>			
<i>Cash Remittances</i>			
4,94,800	As per last balance sheet	—46,136	
29,44,68,306	Add Debits adjusted during the year	37,00,11,407	
29,49,63,106		36,99,65,271	
29,50,09,212	Less credits adjusted during year	36,79,60,771	
(—)46,136			20,04,500
<i>Other Remittances Exchange Accounts</i>			
..	As per last balance sheet	..	
3,97,95,343	Add Debits during the year	4,89,69,120	
3,97,95,353	Less Credits during the year	4,89, 44,571	
..			24,549
(1) <i>Permanent (Partial and Total) Disablement Benefit Reserve Fund.</i>			
2,52,30,252	As per last balance sheet	2,86,96,746	
35,48,700	Add Investments made during the year	31,54,000	
2,87,78,952		3,18,50,746	
82,206	Less Realisation on maturity or sale of investments	..	
2,86,96,746			3,18,50,746
(2) <i>Dependants' Benefit Reserve Fund.</i>			
94,87,496	As per last balance sheet	1,11,48,701	
17,27,100	Add Investments made during the year	18,17,000	
1,12,14,596		1,29,65,701	
65,895	Less Realisation on maturity or sale of investments	..	
1,11,48,701			1,29,65,701
(3) <i>E.S.I.C. Provident Fund.</i>			
66,12,427	As per last balance sheet	79,59,351	
15,23,600	Add Investments made during the year	13,46,000	
81,36,027		93,05,351	
1,76,676	Less Realisation on maturity or sale of investments	5,000	
..		93,00,351	
..	Less Amount transferred to Pension Reserve Fund	22,72,751	
79,59,351			70,27,600

Previous year (1964-65)	Liabilities	Amount	Total
Rs.		Rs.	Rs.

Previous years (1964-65)	Assets	Amount	Total
Rs.		Rs.	Rs.
17,86,35,620	Total Brought Forward		22,65,37,087
	(4) <i>Depreciation Reserve Fund of buildings for the office of the Corporation.</i>		
1,38,353	As per last balance sheet	1,80,808	
54,405	Add Investments made during year	7,000	
1,92,758		1,87,808	
11,950	Less Realisation on maturity or sale of investments	12,320	
1,80,808			1,75,488
	(5) <i>Depreciation Reserve Fund of equipment in Hospitals and Examination Centre.</i>		
17,900	As per last balance sheet	22,900	
5,000	Add Investments made during the year	10,000	
22,900		32,900	
	Less Realisation on maturity or sale of investments	5,000	
22,900			27,900
	(6) <i>Depreciation Reserve Fund of Hospitals.</i>		
44,500	As per last balance sheet	1,72,500	
1,28,000	Add Investments made during year	1,63,000	
1,72,500			3,35,500
	(7) <i>Depreciation Reserve Fund of Staff Cars.</i>		
17,000	As per last balance sheet	29,000	
12,000	Add Investments made during year	21,000	
29,000		50,000	
	Less Realisation on maturity or sale of investments	8,000	
29,000			42,000
	(8) <i>Repair and Maintenance Fund of buildings for the Offices of the Corporation.</i>		
1,06,402	As per last balance sheet	1,43,727	
69,975	Add Investments made during year	138,000	
1,76,377		1,81,727	
32,650	Less Realisation on maturity of sale of investments		
1,43,727			1,81,727

Previous year (1964-65)	Assets	Amount	Total
Rs.		Rs.	Rs.
(9) Repairs and Maintenance Reserve Fund of Hospital Buildings			
1,600	As per last Balance Sheet	1,600	
1,600	Add Investment made during the year	3,64,000	3,65,600
1,600			
(10) Pension Reserve Fund for the Employees of the Corporation.			
11,83,804	As per last Balance sheet	12,04,804	
21,000	Add Investment made during the year	2,96,000	
12,04,804		5,00,804	
	Add Amount transferred from ESIC Provident Fund	22,72,751	37,73,555
12,04,804			
General Cash Balances			
17,13,09,740	Investments as per last balance sheet	16,86,22,614	
13,90,36,080	Add Investments during the year	7,90,67,200	
31,03,45,820		24,76,89,814	
14,17,23,206	Less Realisation on maturity or sale of investments	9,47,00,419	
16,86,22,614		15,29,89,395	
3,94,131	Cash in hand	5,05,726	
1,74,68,228	Cash with bankers	1,68,89,764	
1,78,62,359		1,73,95,490	
18,64,84,973	Total Cash balance		17,03,84,885
36,68,75,932	Grand Total		40,18,23,742

Sd/- T. P. KHOSLA,
Chief Accounts Officer,
Employees' State Insurance Corporation.

Appendix
Administrative Cost Compared

	1952-53	1953-54	1954-55	1955-56	1956-57	1957-58
I. Total Administrative cost	21,01,420	24,72,797	34,73,578	44,64,397	50,18,982	62,36,431
II (a) Employers' Special Contribution	1,31,40,677	1,76,43,593	1,87,89,489	2,35,79,258	2,59,39,404	2,83,41,328
(b) Employees' Contribution	30,73,643	34,69,007	97,26,312	2,39,61,290	3,22,02,834	3,52,35,954
	<u>1,62,14,320</u>	<u>2,11,12,600</u>	<u>2,85,15,792</u>	<u>4,64,90,578</u>	<u>5,81,42,238</u>	<u>6,35,77,282</u>
III. Total outgoings (Expenditure on Revenue Accounts)	28,45,457	49,53,181	81,92,943	1,80,64,180	2,88,30,021	4,37,59,657
IV. Total Benefits	7,44,037	24,80,384	47,19,369	1,35,99,589	2,97,71,109	3,74,63,286
Rate of Administrative cost to						
II	12.96%	11.71%	12.18%	9.60%	8.7%	9.8%
III	75.85%	49.92%	42.40%	24.71%	17.55%	14.2%
IV	282.43%	99.69%	73.60%	32.81%	21.28%	16.6%

NOTE.—IV does not include share of benefit expenditure borne by the State Governments

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with Benefits paid etc.

1958-59	1959-60	1960-61	1961-62	1962-63	1963-64	1964-65	1965-66
72,74,965	90,85,02	1,00,43,34	1,13,48,261	1,30,94,914	1,50,85,724	1,87,63,568	2,22,59,618
2,90,24,081	3,18,53,731	3,73,62,109	4,01,53,612	6,53,66,265	8,10,90,051	9,96,74,412	11,67,12,836
3,81,11,950	4,08,09,252	5,01,07,123	5,43,20,024	6,01,68,840	6,64,13,980	8,87,93,117	10,39,69,964
6,71,36,031	7,26,62,983	8,74,69,232	9,44,73,636	12,55,35,105	14,75,04,031	18,84,67,589	22,66,82,800
4,87,90,810	6,16,46,323	6,97,83,225	8,44,97,977	11,34,14,803	12,35,56,131	15,57,57,161	20,66,89,323
4,15,15,845	5,25,61,301	5,97,39,882	7,31,49,716	10,03,19,889	10,84,70,407	13,69,53,553	18,44,35,704
10.84%	12.50%	11.48%	12.01%	10.43%	10.23%	9.96%	10.08%
14.92%	14.74%	14.39%	13.43%	11.55%	12.21%	12.05%	10.76%
17.5%	17.28%	16.80%	15.51%	13.05%	13.91%	13.69%	12.06%

[No. F. 4/7/67-HI.]

HANS RAJ CHHABRA, Under Secy.

(Department of Labour & Employment)

New Delhi, the 19th January 1968

S.O. 869.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Udipi New Krishna Bhavan, Kothapeta, Guntur, (Andhra Pradesh), have agreed that the provisions of the Employees Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now therefore, in exercise of the powers conferred by sub-Section (4) of section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 30th day of November, 1967.

[No. 8/220/67-PF.II.]

New Delhi, the 4th February 1968

S.O. 870.—Whereas the Central Government was satisfied that Messrs Tractor and Shoe Repair Workshop was situated in Talwara area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Hoshiarpur in the State of Punjab;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government by the notification of the Government of India in the Department of Social Security No. S.O. 3230 dated the 25th September, 1965;

And, whereas the Central Government is now satisfied that the insurable population of the Talwara area in the district of Hoshiarpur in the State of Punjab has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the said notification, namely:—

In the Schedule appended to the said notification, serial No. 7 and the entries relating thereto in columns 2, 3 and 4 shall be omitted.

[No. F. 6(9)/68-HI/I.].

S.O. 871.—Whereas the Central Government was satisfied that Messrs Electric Repair Workshop was situated in Sansarpur area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Hoshiarpur in the State of Punjab;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), No. S.O. 2974, dated the 29th September, 1966;

And, whereas the Central Government is now satisfied that the insurable population of the Sansarpur area in the district of Hoshiarpur in the State of Punjab has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the said notification namely:—

In the Schedule appended to the said notification, serial No. 2 and the entries relating thereto in columns 2, 3 and 4 shall be omitted.

[No. F. 6(9)/68-HI/II.].

S.O. 872.—Whereas the Central Government was satisfied that (i) Messrs Reinforcement Fabricators Shop P. O. Sansarpur and (ii) Messrs UP Stream Batching Plant at Khanpur, were situated in Talwara area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Hoshiarpur in the State of Punjab;

And, whereas by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employer's special contribution under section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S.O. 3564 dated the 26th September, 1967;

And, whereas the Central Government is now satisfied that the insurable population of the Talwara area in the district of Hoshiarpur in the State of Punjab has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the said notification namely:—

In the Schedule appended to the said notification, serial No. 3 and the entries relating thereto in columns 2, 3 and 4 shall be omitted

[No. F. 6/(9)/68-HI/III].

New Delhi, the 27th February 1968

S.O. 873.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Associated Cement Staff Cooperative Credit Society Limited, Cement House, 121, Queen's Road, Bombay-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of October, 1966.

[No. 8/39/67/PF-II.]

S.O. 874.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Radha Cinema, Teliamura, Tripura have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall come into force on the 31st day of March, 1968.

[No. 8(15)/68-PF.II.]

S.O. 875.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Orchid Travels Private Limited, 56, Chowringhee Road, Calcutta-16, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment

This notification shall be deemed to have come into force on the 30th day of September 1967.

[No. 8/170/67/PF.II.]

S.O. 876.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shri Niwas Textiles, 167/171, Sheikh Memon Street, Bombay-2 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment,

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment

This notification shall be deemed to have come into force on the 1st day of October, 1967.

[No. 8(5)/68-PF.II.]

S.O. 877.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Appollo Securities Private Limited, 14, Rampart Row, Bombay-1 have agreed that the provisions of the Employees Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of December, 1967.

[No. 8(14)/68-PF.II.]

S.O. 878.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Urvashi Industries, Andheri, Bombay-58, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of June, 1968.

[No. 8(152) 67-PF.II.]

S.O. 879.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs India Marine and Food Products Limited 8-B, Western India House, Sir Pheroz Shah Mehta Road, Bombay have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 30th day of November, 1967.

[No. 8(10)/68-PF.II.]

S.O. 880.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Berar Oil Industries Canteen, Vanasdapeth, Akola (Maharashtra State) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of December, 1967.

[No. 8(13)/68-PF-II.]

S.O. 881.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in the notification of the Government in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 198, dated the 5th January, 1968, namely:—

In the said notification, after the words "the State of Madras", the words "and the Pondicherry" shall be inserted.

[No. 17(95)/66-PF I(H).]

S.O. 882.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948, (34 of 1948) the Central Government having regard to the location of the factory mentioned in the Schedule below, in a sparse area in the State of Rajasthan, hereby exempts the said factory from payment of the Employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in that area.

SCHEDULE

Sl. No.	Name of District	Name of Area	Name of the factory
1	Nagour	Kuchaman Road	M/s. Kantiballabh Mineral Industries.

[No. F. 6(11)/68-HI.]

S.O. 883.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government having regard to the location of the factory in an implemented area hereby exempts the Municipal Mechanical and Transport Workshop, Agra, from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 1st March, 1968.

[No. F. 6(17)/68-HI.]

S.O. 884.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government having regard to the location of the factory namely Eluru Water Works Pumping Supply Station, Eluru, West Godavari District, Andhra Pradesh in an implemented area, hereby exempts the said factory from the payment of the Employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 1st March, 1968.

[No. F. 6(18)/68-HI.]

S.O. 885.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government having regard to the location of the factory, namely the Agricultural University Press at Ludhiana, in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for the period upto and including the 19th January, 1969.

[No. F. 6(27)/67-HI.]

S.O. 886.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government having regard to the location of the factories mentioned in the Schedule below in sparse areas in the State of Orissa, hereby exempts them from the payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas:—

SCHEDULE

Sl. No.	Name of District	Name of Area	Name of the Factory
1	Dhenkanal	Mathakargala	The Mathakargola, Mangalore the Tile Manufacturing Co-operative Society Limited.
2	Koraput	Therubali	Indian Metals and Ferro Alloys Limited.
3	Puri	Jatni	Ramchandrapur Saw Mill-cum-Oil Expeller Co-operative Society Limited.
4	Sambalpur	Khetrampur	Orissa Flour Mills (Private) Limited.

[No. F. 6(12)/68-HI.]

New Delhi, the 23rd February 1968

S.O. 887.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories mentioned in the Schedule below, in sparse areas in the State of Uttar Pradesh, hereby exempts the said factories from the payment of the employer's special contribution leviable under Chapter VA of the said Act, until the enforcement of the provisions of Chapter V of that Act in those areas.

SCHEDULE

Sl. No.	Name of District	Name of Area	Name of the Factory
1	Allahabad	Pipal Gaon Jahalwa	Indian Oil Corporation Ltd.
2	Basti	Basti	Government Pilot Centre.
3	Badaun	Naushera P.O. Ujhani	G.T. Industries Bombay.
4	Bulandshahr	Bulandshahr	M/s. Prem Potteries.
5	Deoria	Baitalpur	Government Agricultural Workshop.
	Do.	Deoria	Arora Aluminium and Allied Works, Ltd.
6	Dehradun	Kalsi	(i) Hindustan Construction Co., Ltd. (Workshop).
	Do.	Kalsi	(ii) Hindustan Construction Co., Ltd. (Garage).
	Do.	Kanwali	M/s. Handmade Paper Industries Kanwali.
7	Gorakhpur	Chauri Choura	Ashoka Iron & Steel Rolling Mills.
8	Gonda	Burgaon	Jamuna Udyog Bhawan.
9	Jaunpur	Kheta Sarai Shahpur	Indian Bone Products.
10	Meerut	Partapur	(i) Shiv Engg. Corporation.
	Do.	Do.	(ii) M/s. Indo Thai Engg. Corporation.
	Do.	Bamnoli	Ravi Syringes and Surgicals.
11	Muzaffarnagar	Muzaffarnagar	(i) V.K. Engg. Works.
	Do.	Do.	(ii) M/s. Bansal Iron and Steel Rolling Mills.
	Do.	Shamli	Anwar Bone Mills.
	Do.	Ganga Rampura	Lakshmi Scientific Industries.

[No. F. 3(10)/68-HI]

S.O. 888.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories mentioned in column 4 of the Schedule below in sparse areas in the State of Mysore and specified in column 3 of the said Schedule, hereby exempts the said factories from payment of the employer's special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas:—

THE SCHEDULE

Sl. No.	Name of District	Name of area	Name of the factory
1	2	3	4
1	Bangalore	Sonnappanahalli	The Spun Pipe and Construction Company of India Limited, Sonnappanahalli, Bettaloor Post.

1	2	3	4
2	Bangalore	Hojjala	Messrs. Valliappa Textile Limited
3	Dharwar	Kundgol	Sub-Station, Mysore State Electricity Board.
4	Dharwar	Gajendragad	Sub-Station, Mysore State Electricity Board.
5	Gulberga	Chuncholi	Sub-Station, Mysore State Electricity Board.
6	Mysore	K. R. Nagar	Mysore State Road Transport Corporation Depot Workshop
7	South Kanara	Thumbe	Messrs. Mohiudeen Saw Mills, Thumbe Post.
8	South Kanara	Gulvadi	Messrs. Ramson Tile Works.

[No. F. 6(13)/68-HI.]

New Delhi, the 29th February 1968

S.O. 889.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. AELPE MACHINERY and TRACTORS, Exhibition Road, Patna-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of December, 1966.

[No. 8/202/67/PF-II.]

New Delhi, the 4th March 1968

S.O. 890.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) and having regard to the location of the factory in an implemented area, the Central Government hereby exempts the Cholera Vaccine Laboratory of the Public Health Institute, Patna from the payment of the employer's special contribution leviable under Chapter VA of the said Act for the period up to and including the 30th November, 1968.

[No. F 6(70)/67-HI]

S.O. 891.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 418, dated the 19th January, 1968, the Central Government hereby appoints Shri K. S. Sethi as Regional Provident Fund Commissioner with effect from the 15th January, 1968, for the whole of the State of Kerala and Mahe area of the Union territory of Pondicherry, to assist the Central Provident Fund Commissioner in the discharge of his duties *vice* Shri A. S. Sattanathan.

[No. 17(89)/66-PF-I.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 24th February 1968

S.O. 892.—In pursuance of sub-section (1) of section 14, sub-section (1) of Section 15, Sections 16, 17, and 18 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), the Central Government hereby authorises the Chief Inspector of Factories, Delhi appointed under Section 8(2) of Factories Act, 1948 to exercise the powers under Sections 14, 15, 16, 17 and 18 of the said Act throughout the Union Territory of Delhi.

[No. F. 3/40/66-Spl. Fac. II.]

VIDYA PRAKASH, Dy. Secy.

(Department of Labour and Employment)

New Delhi, the 29th February 1968

S.O. 893.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President is pleased to make the following rules governing the allotment of residences to the employees of the Office of the Chief Inspector of Mines, namely :—

1. Short title, commencement and application.—(1) These rules may be called the Office of the Chief Inspector of Mines (Allotment of Residences) Rules, 1968.

(2) They shall come into force on the 1st April, 1968.

(3) These rules shall apply to the allotment of residences to persons who are employed in the Office of the Chief Inspector of Mines.

2. Definitions.—In these rules, unless the context otherwise requires—

- (a) "allotment" means the grant of a licence to occupy a residence in accordance with the provisions of these rules;
- (b) "allotment year" means the year beginning on the 1st of January or such other period as may be notified by the competent authority;
- (c) "Chief Inspector of Mines" means the officer appointed under sub-section (1) of section 5 of the Mines Act, 1952.
- (d) "competent authority" means the Chief Inspector of Mines and includes any officer subordinate to the Chief Inspector of Mines authorised by him in this behalf by a general or special order to perform all or any of his functions as a competent authority under these rules;
- (e) "eligible office" means an office under the Chief Inspector of Mines, the staff of which has been declared by the competent authority as eligible for accommodation under these rules.
- (f) "emoluments" means the emoluments as defined in Fundamental Rule 45-C, but does not include any compensatory allowance.

Explanation.—In the case of an employee who is under suspension, the emoluments drawn by him on the first day of the allotment year in which he is placed under suspension, or, if he is placed under suspension on the first day of the allotment year, the emoluments drawn by him immediately before that date, shall be taken as his emoluments;

- (g) "family" means the wife or husband, as the case may be, and children, step-children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the employee;
- (h) "Government" means the Central Government;
- (i) "priority date" of an employee in relation to a type of residence to which he is eligible under these rules means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type in a post in the Office of the Chief Inspector of Mines except for periods of leave, so however that in respect of a type II, type III or type IV residence, the date from which the employee has been continuously in service in the Office of the Chief Inspector of Mines shall be his priority date for the type:

Provided that—

- (1) in the case of an employee who is on deputation to any foreign service, the period of foreign service shall, on his reposting in an eligible office, be taken into account for the purposes of determination of his priority date;
- (2) where an employee has rendered service in another Government organisation, which has been taken into consideration while fixing his pay in an eligible office, the period of such service shall be taken into account for the purpose of determination of his priority date; and
- (3) where the priority date of two or more employees is the same, seniority among them shall be determined by the amount of emoluments drawn by each such employee, the employee in receipt of higher emoluments taking precedence over the employee in receipt of lower emoluments; and where the emoluments are equal, by length of service in the Office of the Chief Inspector of Mines.

- (j) "rent" means the sum of money payable monthly in accordance with the provisions of the Fundamental Rules in respect of a residence allotted under these Rules;
- (k) "residence" means any residence for the time being under the administrative control of the Chief Inspector of Mines;
- (l) "subletting" includes sharing of accommodation by an allottee with another person with or without payment of rent by such other person;

Explanation: Any sharing of accommodation by an allottee with a close relation shall not be deemed to be "sub-letting";

- (m) "temporary transfer" means a transfer which involves an absence for a period not exceeding four months;
- (n) "transfer" means a transfer from a post in any of the offices of the Chief Inspector of Mines to a post or service outside the office of the Chief Inspector of Mines;
- (o) "type" in relation to an employee means the type of residence to which he is eligible under these rules.

3. Classification of residences.—Save as otherwise provided by these rules, an employee shall be eligible for allotment of a residence of the type shown in the table below:—

Type of residence	Category of employee or his monthly emoluments as on the first day of the allotment year in which the allotment is made.
-------------------	--

I	Less than Rs. 110/-
II	Less than Rs. 250/- but not less than Rs. 110/-.
III	Less than Rs. 400/- but not less than Rs. 250/-.
IV	Less than Rs. 700/- but not less than Rs. 400/-.
V	Less than Rs. 1,300/- but not less than Rs. 700/-.
VI	Less than Rs. 2,250/- but not less than Rs. 1,300/-.
VII	Rs. 2,250/- and above.

NOTE:—If a sufficient number of employees eligible for a particular type of residence is not available, the residences in that type may be allotted to other employees who are eligible for the next higher type of residence subject to the condition that, as and when eligible employees become available, the residences so allotted shall be vacated by such allottees.

4. Application for allotment—An employee who seeks allotment of a residence, or the continuance of the allotment of a residence allotted to him, may apply at any time and shall apply when directed by the competent authority to do so, in that behalf, to the competent authority in such form and in such manner and by such date as may be prescribed by the competent authority.

5. Allotment of residences and offers.—(1) Save as otherwise provided in these rules, a residence on falling vacant, shall be allotted by the competent authority to an applicant having the earliest priority date for that type of residence subject to the following conditions namely:—

- (i) the competent authority shall not allot a residence of a type higher than that to which the applicant is eligible under rule 3.
- (ii) the competent authority shall not compel the applicant to accept a residence of a lower type than that to which he is eligible under rule 3.
- (iii) the competent authority may on a request from an applicant for allotment of a lower type of residence, allot to him a residence of any type below the type for which he is eligible under rule 3 on the basis of his priority date for the lower type.

(2) The competent authority may cancel the existing allotment of an employee and allot to him an alternative residence of the same type or in emergent

circumstances, allot at the earliest available occasion an alternative residence of any type below the type of residence in occupation of the employee if the residence in occupation of the employee is required to be vacated.

(3) A vacant residence may in addition to allotment to an employee under sub-rule (1) be offered simultaneously to other eligible employees in the order of their priority dates.

(4) Any valid allotment of a residence which is subsisting immediately before the commencement of these rules shall be deemed to be an allotment duly made under these rules notwithstanding that the employee to whom the allotment is made is not entitled under rule 3 to a residence of that type, and the provisions of these rules shall apply in relation to that allotment and that employee as the case may be.

6 Out of turn allotments.—Notwithstanding the provisions of rule 5, allotment of a residence may be made by the competent authority on an out-of-turn basis to an employee on grounds of serious illness of such employee or a member of his family, in consultation, if considered necessary, with the prescribed medical authority and notwithstanding anything contained in these rules, the priority date for allotment in such cases shall be the date on which the application of the employee for the out-of-turn allotment is received by the competent authority.

7. Non-acceptance of allotment or offer or failure to occupy the allotted residence after acceptance.—(1) If an employee fails to accept the allotment of a residence made to him within five days or, fails to take possession of the said residence after acceptance within eight days from the date of receipt of the letter of allotment, he shall not be eligible for another allotment for a period of *one year* from the date of the letter of allotment.

(2) If an employee occupying a lower type of residence is allotted or offered a residence of the type for which he is eligible under rule 3 or of a lower type, he may, on his refusal of the said allotment or offer of allotment, be permitted to continue in the previously allotted residence, on the following conditions, namely:—

- (a) that such an employee shall not be eligible for another allotment for a period of *six months* from the date of the letter of allotment for the higher class of accommodation;
- (b) while retaining the existing residence he shall be charged the same rent which he would have had to pay under Fundamental Rule 45-A in respect of the residence so allotted or offered or the rent payable in respect of the residence already in his occupation, whichever is higher.

8. Period for which allotment subsists and the concessional period for further retention.—(1) An allotment shall be effective from the date on which it is accepted by the employee and shall continue in force until:—

- (a) the expiry of the concessional period permissible under sub-rule (2) after the employee ceases to be on duty in an eligible office; or
- (b) it is cancelled by the competent authority or is deemed to have been **cancelled under any of the provisions of these rules**; or
- (c) it is surrendered by the employee; or
- (d) the employee ceases to occupy the residence.

(2) A residence allotted to an employee may, subject to sub-rule (3), be retained on the happening of any of the events specified in column 1 of the Table below for the period specified in the corresponding entry in column 2 thereof, provided that the residence is required for the *bona-fide* use of the employee or members of his family:—

TABLE

Events	Permissible period for retention of the residence
1	2
(i) Resignation, dismissal, removal from or termination of service.	1 month.

1

2

(ii) Retirement or terminal leave.	2 months.
(iii) Death of allottee.	4 months.
(iv) Transfer, including transfer to other department.	2 months.
(v) On proceeding on foreign service (other than to National Council for Safety in Mines or Rescue Stations Committee) in India.	2 months.
(vi) Temporary transfer in India or transfer to a place outside India.	4 months.
(vii) On deputation/foreign service to the National Council for Safety in Mines or Rescue Stations Committee.	For the full period of deputation or such shorter period as may be specified by the competent authority in the order of allotment.
(viii) Leave (other than leave preparatory to retirement, refused leave, terminal leave, medical leave or study leave).	For the period of leave but not exceeding 4 months.
(ix) Leave preparatory to retirement or refused leave granted under Fundamental Rule 86.	For the full period of leave on full average pay subject to a maximum of 4 months, inclusive of the period permissible in case of retirement.
(x) Study leave or deputation outside India.	For the period of leave or deputation but not exceeding 6 months.
(xi) Study leave in India.	For the period of leave but not exceeding 6 months.
(xii) Leave on medical grounds.	For the full period of leave.
(xiii) On proceeding on training.	For the full period of training.

Explanation.—The period permissible on transfer mentioned against items (iv), (v) and (vi) shall count from the date of relinquishing charge plus the period of leave, if any, sanctioned to, and availed of by, the employee before joining duty at the new office.

(3) Where a residence is retained under sub-rule (2), the allotment shall be deemed to be cancelled on the expiry of the admissible concessional period unless immediately on the expiry thereof the employee resumes duty in an eligible office.

9 Provisions relating to rent—(1) Where an allotment of accommodation or alternative accommodation has been accepted, the liability for rent shall commence from the date of occupation, or the eighth day from the date of receipt of the letter of allotment, whichever is earlier.

(2) An employee who, after acceptance, fails to take possession of the residence allotted within ten days from the date of issue of the letter of allotment, shall be charged rent from such date upto a period of one month or upto the date of re-allotment of that particular accommodation, whichever is earlier.

(3) Where an employee, who is in occupation of a residence is allotted another residence and he occupies the new residence, the allotment of the former residence shall be deemed to be cancelled from the date of occupation of the new residence. He may, however, retain the former residence without payment of rent for that day and the subsequent day for shifting.

10 Personal liability of employee for payment of rent till the residence is vacated and furnishing of surety by temporary employees.—(1) An employee to whom a residence has been allotted shall be personally liable for the payment of rent thereof and for any damage beyond fair wear and tear caused thereto, or to the furniture, fixtures or fittings or services provided therein by the Office of the Chief Inspector of Mines during the period for which the residence has been and remains allotted to him, or where the allotment has been cancelled under any of the provisions in these rules, until the residence along with the out-houses appurtenant thereto has been vacated and full vacant possession thereof has been restored to the Office of the Chief Inspector of Mines.

(2) Where the employee to whom a residence has been allotted is neither a permanent nor a quasi-permanent employee in any of the eligible offices, he shall execute a security bond in the form prescribed in this behalf by the competent authority with a surety, who shall be a permanent employee of the Office of the Chief Inspector of Mines, for due payment of rent and other charges due from him in respect of such residence and services and any other residence provided in lieu thereof.

(3) If the surety ceases to be in the service of the Office of the Chief Inspector of Mines or becomes insolvent or withdraws his guarantee or ceases to be available for any other reasons, the employee shall furnish a fresh bond executed by another surety within thirty days from the date of his acquiring knowledge of such event of fact; and if he fails to do so, the allotment of residence to him shall, unless otherwise decided by the competent authority, be deemed to have been cancelled with effect from the date of that event or fact.

(4) An employee shall render himself liable to disciplinary action and to such punishment as may be decided upon by the competent authority in case of any breach of this rule.

11. Surrender of an allotment and period of notice.—An employee may at any time surrender an allotment by giving intimation so as to reach the competent authority at least ten days before the date of vacation of the residence. The allotment of the residence shall be deemed to be cancelled with effect from the eleventh day after the day on which the letter is received by the competent authority or the date specified in the letter, whichever later if he fails to give due notice, he shall be responsible for payment of rent for ten days or the number of days, by which the notice given by him falls short of ten days, provided that if the competent authority is satisfied, he may accept a notice for a shorter period.

12. Change of residence.—(1) An employee to whom a residence has been allotted under these rules may apply for a change to another residence of the same type. Except where a special circumstances exist, not more than one change shall be allowed in respect of one type of residence allotted to the employee.

(2) Changes shall be offered in the order of the priority date of the applicants concerned taking into account the dates of application for change.

(3) If an employee fails to accept a change of residence offered to him within five days of the issue of such offer or allotment, he shall not be considered again for a change of residence of that type.

(4) When the competent authority is satisfied that a change of residence to an employee cannot be given due to practical difficulties, he may decline the request for such change and when he does so his decision shall be final.

13. Change of residence in the event of death of a member of the family.—An employee, may be allowed a change of residence on the death of any member of his family, if he applies for a change within three months of such occurrence, provided that the change will be given in the same type of residence as already allotted to the employee.

14. Mutual exchange of residences.—Employees to whom residences of the same type have been allotted under these rules, may apply for permission to exchange their residences mutually. Permission for mutual exchange may be granted, if both the employees are reasonably expected to be on duty in an eligible office and to reside in their mutually exchanged residences for at least six months from the date of approval of such exchange.

15. Maintenance of residence.—An employee to whom a residence has been allotted shall maintain the residence and its premises in a clean condition to the satisfaction of the competent authority.

16. Sub-letting and sharing of residences.—(1) No employee shall share the residence allotted to him or any of the out-houses, garages and stables appurtenant thereto except with the employees of an eligible office and with the previous sanction of the competent authority and subject to such conditions as may be prescribed. The servants quarters, out-houses, garages, and stables may be used only for bona-fide purposes, including the residence of the servants of the allottee, or for such other purposes as may be permitted by the competent authority.

- (2) No employee shall sublet the whole of his residence:

Provided that an employee proceeding on leave may, with the permission of the competent authority, accommodate in the residence any other employee eligible for allotment of the accommodation under these rules, as a care-taker, for a period not exceeding six months.

(3) An employee who shares or sublets his residence shall do so at his own risk and responsibility and shall be personally responsible for any rent payable in respect of the residence and for any damage caused to the residence or its precincts or grounds or services provided therein by the Office of the Chief Inspector of Mines beyond fair wear and tear.

17. Consequences of breach of rules and conditions.—(1) The following penalties may, for good and sufficient reasons, be imposed by the competent authority, namely:—

- (i) If an employee to whom a residence has been allotted unauthorisedly sublets the residence or charges rent from the sharer at a rate which the competent authority considers excessive, or erects any unauthorised structure in any part of the residence or uses the residence or any portion thereof for any purpose other than that for which it is meant, or tampers with the electric or water connections, or commits any other breach of these rules, or of the terms and conditions of the allotment, or uses the residence or premises or permits or suffers the residence or premises to be used for any purpose which the competent authority considers to be improper, or conducts himself in a manner which in his opinion, is prejudicial to the maintenance of harmonious relations with his neighbours or has knowingly furnished incorrect information in any application or written statement, with a view to securing the allotment, the competent authority may, without prejudice to any other disciplinary action that may be taken against him, cancel the allotment of the residence.

Explanation.—In this clause, the expression “employee” unless the context otherwise requires includes a member of his family and any person claiming through the employee.

- (ii) If an employee sublets a residence allotted to him or any portion thereof or any of the out-houses, garages or stables appurtenant thereto, in contravention of these rules, he may, without prejudice to any other action that may be taken against him be charged enhanced rent not exceeding four times the standard rent under Fundamental Rule 45-A. The quantum of rent to be recovered and the period for which the same may be recovered in each case will be decided by the competent authority on merits. In addition the employee may be debarred from sharing the residence for such specified period as may be decided by the competent authority.

(2) Where action to cancel the allotment is taken on account of unauthorised subletting of the premises by the allottee, a period of sixty days shall be allowed to the allottee and any other person residing with him therein to vacate the premises. The allotment shall be cancelled with effect from the date of vacation of the premises or the expiry of the period of sixty days from the date of the order for the cancellation of the allotment, whichever is earlier.

(3) Where the allotment of a residence is cancelled for conduct prejudicial to the maintenance of harmonious relations with neighbours, the employee at the discretion of the competent authority may be allotted another residence of the same type at any other place.

(4) The competent authority shall be competent to take action under all or any of the provisions of sub-rules (1) to (3) and also to declare the employee who commits a breach of any of the provisions of these rules or instructions issued to him, to be ineligible for allotment of residential accommodation for a period not exceeding three years.

18. Over-tenancy in residence after cancellation of allotment.—Where after an allotment has been cancelled or is declared to be cancelled under any of the provisions of these rules the residence remains or has remained in the occupation of the employee to whom it was allotted or of any person claiming through him

such employee shall be liable to pay damages for use and occupation of the residence, services, furniture and garden charges, equal to the market rent as may be determined by the competent authority from time to time

Provided that an employee may, in special cases, be allowed by the competent authority, to retain a residence on payment of twice the standard rent under Fundamental Rule 45-A, for a period not exceeding six months

19. **Interpretation of rules.**—If any question arises as to interpretation of these rules, it shall be decided by the competent authority.

20. **Relaxation of rules.**—The competent authority may for reasons to be recorded in writing, relax all or any of the provisions of these rules in the case of any employee or residence or class of employees or type of residences.

[No. 38/13/65-ML]

J. D. TEWARI, Under Secy.

(Department of Labour & Employment)

New Delhi, the 29th February 1968

S O 874.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the White Clay Mines, Karanjia, P.O. Chaibasa, District Singhbhum and their workmen, which was received by the Central Government on the 20th February, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 39 of 1967

PARTIES:

Employers in relation to the White Clay Mines, Karanjia, P.O. Chaibasa, Distt. Singhbhum.

Vs.

Their Workmen.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri B. K. Mitra, Advocate.

STATE: Bihar.

INDUSTRY: Clay Mines.

Dhanbad, dated the 24th January, 1968

AWARD

Being of opinion that an industrial dispute exists, the Central Government has, by its order No. 36/17/66-LRI dated the 5th June, 1967, referred the following questions for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of the White Clay Mines, Post Office Chaibasa, District Singhbhum in dismissing the following workmen from service with effect from the 20th August, 1966, was justified?”

- | | |
|---------------------------|-------------------------------|
| 1. Shri Ghanshyam Hessa | 6. Shri Hari Chandan |
| 2. Shri Bikram Hessa | 7. Shri Bajay Gograi |
| 3. Shri Chintamanipur | 8. Shri Ramo Deoria |
| 4. Shri Shambhu Urmakuri | 9. Shri Piru Hembram (Quarry) |
| 5. Shri Dinbandhu Chandan | 10. Shri Lota Maturi |

11. Shri Devan Laguri
12. Shri Siro Gograi
13. Shri Bowria Mahar
14. Shri Birsingh Swayan

15. Shri Singrai Deoria
16. Shri Puri Hembrom (Refine-
ry)
17. Shri Kanni Beg.

If not, to what relief are the workmen entitled?"

2. It appears that the workmen are members of the China Clay Mines (Oriental Potteries) Workers Union. Shri S. Choudhary was the Vice-President and Shri R. C. Paliwal was the General Secretary of that union. There was a new election at a meeting held about three years ago. At that meeting, Shri Shaan Barmochu was elected President; Shri Ghanshyam Hessa and A. K. Roy were elected Vice-Presidents and Shri Lanka Hessa was elected General Secretary. The old office-bearers filed a petition before the Registrar, Trade Unions, for a decision that the meeting at which the new election had been held was invalid. He decided that the meeting at which the new set of office bearers had been elected was invalid and hence the old set of office bearers must be deemed to have continued. Shri Paliwal, the old General Secretary, filed a written statement on behalf of the workmen on the 8th August, 1967. When I took up the case for hearing on the 8th January, both sets of office bearers were present. The order of the Registrar, Trade Unions, was shown to me. Both sets of office bearers, however, agreed that a lawyer should be appointed to represent the workmen. For this reason, I adjourned this case to the next day i.e. 9th January, 1968. On that date, Mr. Mitra Advocate, appeared on behalf of the workmen. As all the workmen in question were not present, some of them gave him authority to represent them. The old office bearers of the union also gave him authority to represent the workmen. Mr. Mitra, therefore, appeared on behalf of all the workmen in question. He filed a new written statement under his own signature.

3. On waiver of formal proof by Mr. Mitra, documents filed by the management were marked as Exts. M1 to M9. Mr. S. S. Mukherjee, who appeared on behalf of the management, also waived formal proof in respect of the documents filed on behalf of the workmen and accordingly Exts. W1 to W8 were marked on behalf of the workmen.

4. One witness has been examined on behalf of the management and three witnesses have been examined on behalf of the workmen. In the course of their evidence, Exts M10 and M11 were marked for the employers and Exts. W9 to W12 were marked for the workmen.

5. The employers' case is that all the 17 workmen in question committed various acts of misconduct on 29th May, 1966, 2nd July, 1966 and 3rd July, 1966. On the 29th May, the 17 workmen in question reported for duty at about 8 A.M. but subsequently stayed away from work without obtaining leave. When the supervisor and the Manager directed them to go back to work, they refused to do so and, on the contrary, incited other workers not to go back to work with the result that about 250 workers stayed away from work. On the 2nd July, 1966, all the 17 workmen in question along with others, all numbering about 300, left their work, formed an assembly and demanded that the manager should fix a date for payment of bonus for the year 1965-66. They subsequently took a violent attitude and forced the Manager and Shri Rajendra Prasad to leave for Chaibasa immediately in order to get money for distribution of bonus.

6. On the 3rd July, the workers in question along with 250 others reported for work but subsequently stayed away from work and started raising hulla for payment of bonus. They also held out threats to the Manager and also to Shri Rajendra Prasad. The Manager requested them to go back to work but they did not listen to him.

7. Chargesheets were issued to the 17 workmen in question on the 25th July, 1966 and Shri K. P. Gupta, MW1, who is employed as Personnel Officer, Chatkuri Iron Ore and Manganese Mines which belongs to the same owners was deputed to hold the enquiry. He accordingly held it on the 10th August, 1966. Two witnesses namely P. Ramalingam, the Manager, and Shri Rajendra Prasad filed statements in writing before the enquiring office. He, however, examined S/Shri Kanoo Ram Hessa, Surendra Nayak, Kanhai Beg, Piru Hembrom and eleven others orally. He also took the statement of the alleged delinquents. Thereafter, he submitted his enquiry report, finding all the 17 workmen guilty. On the basis of his report, the Manager dismissed the all by his order dated the 18th August, 1966. This was conveyed to the workmen by letters dated the 20th August, 1966.

8. There is no allegation of any importance in the written statement filed by Shri Paliwal. All that has been done in it is to deny the allegations made on behalf of the employers and to say that the dismissal of the workmen was arbitrary, illegal and without jurisdiction and that the management was only interested in disrupting the union. It has also been stated that the union has been informed that four of the workmen in question left the mines before the date of reference after taking full and final settlement of their dues.

9. In the written statement filed by Shri Mitra, it has been stated that new office bearers of the union were elected at the meeting held on the 6th August, 1965; that, after the election, the new union office bearers submitted a charter of demands to the management on the 12th September, 1965, that a conciliation proceeding was started over these demands by the Labour Enforcement Officer (C), Chaibasa; that the management started victimising the members of the union thereafter; that the 17 workmen were chargesheeted on the 9th July, 1966 and an enquiry was held on the 11th July under the chairmanship of Shri K. P. Gupta; that another set of chargesheets were issued on the 10th August, 1966; that at the enquiry by Shri K. P. Gupta, no evidence was led by the management in the presence of the workmen in question nor were they given an opportunity to cross examine the witnesses; that the management got a case under section 107 of the Cr. P.C. started against the workmen on the 5th July, 1966 and that the dismissal order passed against these workmen has infringed against the provision of section 33(2)(b) of the Industrial Disputes Act, 1947 because, at the time of dismissal, a conciliation proceeding was pending and the management has neither taken the approval of the Conciliation Officer nor has it paid one month's wages to the dismissed workers.

10. The following points may be formulated for consideration:—

- (i) Was the domestic enquiry held properly in accordance with natural justice?
- (ii) Has there been victimisation by the employers in this case?
- (iii) Has there been an infringement of the proviso to section 33 (2)(b) of the Industrial Disputes Act?
- (iv) In all the circumstances of the case, is the dismissal of the 17 workmen in question justified?

Points (i) and (ii)—

11. I take up these two points together for the sake of convenience. The only point which Shri Mitra has urged against the propriety of the enquiry is that the enquiring officer should have given the concerned workmen copies of the statements of the manager and Shri Rajendra Prasad, who submitted them in writing, well in advance before asking them to cross examine these two witnesses. In support of this submission, he has relied upon the decision of the Supreme Court in *Kesoram Cotton Mill Ltd., Vs. Chanaram and others*, 1963 (II) L.L.J. 371. It is quite true that workmen who are mostly illiterate are not expected to understand the statements in writing of witnesses immediately so as to be able to cross-examine them. In my opinion the enquiring officer should not have allowed the Manager and Shri Rajendra Prasad to submit their statements in writing but, if he had allowed them to do so, he should have given copies to the concerned workmen sufficiently in advance so that they might understand the statements and put questions to the witnesses in cross-examination if they wished to do so. The best thing, therefore, is that these two statements should be excluded from consideration and it should then be seen whether there is sufficient evidence in support of the employers' case against the workmen.

12. I find that beside the above two witnesses, Manjhi Bandra, Quarry In-charge, Kanooram Hessa, Mines Supervisor, Surendra Navak, a clerk and B. N. Singh, mine supervisor, were examined in support of the employers' case before the enquiring officer. They fully supported the employers' case as put in the charge-sheets dated the 25th July, 1966. The enquiring officer also examined all the 15 concerned workmen who were present before him. Ghanshyam Hessa who has been, as I have already mentioned, elected as the new Vice-President although his election is unrecorded, stated before the enquiring officer that he did not actually participate in the occurrence on the 29th May and 3rd July because he was called a leader and he feared that the fault might be thrown at his door. Some of the other concerned workmen also stated that they only saw the incident from a distance and they did not admit that they participated in the incidents which took place on those dates. In any case, the statements of all

the accused workmen, if they have been correctly recorded, supports the fact that incidents took place on all the three dates as alleged by the employers.

13. The enquiring officer, Shri K. P. Gupta, MW1 has stated that he held the enquiry on the 10th August, 1966. He has said that, after recording the statement of each witnesses, he read over and explained the statement to him. He has further said that, after recording the statement of each witness, he asked the charge-sheeted workmen if they would like to cross-examine him and every time they replied that they would not like to cross-examine the witness.

14. He has been asked whether he held any enquiry on the 11th July, 1966 into a chargesheet which was issued on the 9th July but he has denied the allegation. Ext. W4 is the chargesheet dated the 9th July, 1966. It shows that the enquiry into this chargesheet was to be held by Shri B. M. Trivedi and Sri Vaskar Rao. It is not known what transpired at the enquiry but it is perfectly clear that Shri K. P. Gupta did not hold that enquiry. I carefully watched his demeanour at the time when he was giving his evidence before me. Having seen and heard him, I do not think that there is any good reason to disbelieve his evidence.

15. On the other hand, Piro, WW1 has denied what he has stated before Shri K. P. Gupta. He is an interested witness. Ghanshyam, WW2 has made some statements which appear to me to be obviously untrue. For instance, he has made an endorsement under the statement of Piro Hambrom, Bajai Gograi and Chiro Gograi as recorded by the enquiring officer to the effect that he read over and explained the statements to the alleged delinquents. He has denied his writings and signatures, Exts. W9, W10 and W12 on all these statements. His signature on the authority given to Mr. Mitra is marked as Ext. M11. He has gone to the length of saying that this signature is not his. It is obvious that he has denied that signature because it tallies with the signatures made under the endorsements Exts. W9, W10 and W11. He is respected by the workmen as Vice-President of their union although his position may be legally challenged. The fact that he was present and statement of witnesses and the alleged delinquent workmen were recorded in his presence leave no room for doubt that the enquiring officer was making a correct record of the proceedings before him. Ramoo Doria WW3 is also one of the concerned workmen. He has tried to make out that he did not make before Shri Gupta the statement which Shri Gupta has recorded as being his. I am not prepared to accept his denial. It seems that he has also come forward to deny his statement because he is deeply interested.

16. While it is true that Ghanshyam Hassa has been newly elected as Vice President (though his election is challenged as illegal) there is nothing to show that the other workmen in question are also new office bearers, legal or illegal, of the workers union. I have already pointed out that the enquiring officer could not have dared to make a wrong record of deposit of witnesses and statements of alleged delinquents in the case of Ghanshyam. If he had done so, Ghanshyam would have necessarily taken appropriate steps of protesting and informing the colliery authorities and the labour authorities about the misdeeds, if any, of the enquiring officer. On a consideration of the circumstances of the case, I am satisfied that there has been no victimisation in this case.

Points (iii) and (iv)—

17. The workmen submitted a charter of demands as I have already mentioned. Exts. W2 is a copy of a notice given by the Labour Enforcement Officer who was also the Conciliation Officer under the Industrial Disputes Act to the effect that he would held conciliation proceedings under section 12 of the Industrial Disputes Act in the dispute relating to the charter of demands at 10.00 hours on the 7th October, 1965 in his office at Chaibasa. This notice was addressed to the managements of various companies but it does not seem to have been addressed to the management of the White Clay Mines in question. I find that one copy of the notice was sent to the Manager, White Clay Mines of M/s. Harkandas Mangilal but it has not been stated by any one before me that the White Clay Mines in question are the same as the mine of Harkandas Mangilal.

18. Ext. W8 is a copy of another notice issued by the Asstt. Labour Commissioner (C), Dhanbad. No copy of this notice appears to have been sent to the White Clay Mines in question although a copy was sent to Harkandas Mangilal. Copies of both the notices were sent to the Labour Union in question. It is,

therefore, difficult to find definitely that, as argued by Shri Mitra, a conciliation proceeding was pending between the parties. He has argued that these conciliation proceedings must be held to have continued beyond the date of the dismissal of the workmen in question i.e., the 20th August, 1966. Even if it is supposed for the sake of argument that the conciliation proceedings continued as argued by Shri Mitra, I am unable to find, as I have already said, that the proceedings were between the two parties in question. Secondly, it is necessary for me to examine the legal consequences which can be held to have followed.

19. Under section 33(2)(b) of the Industrial Disputes Act an employer can discharge or punish, whether by dismissal or otherwise, a workman for any misconduct not connected with the dispute which is then pending before any of the different authorities named in the section including any conciliation proceedings before a Conciliation Officer without the permission in writing of that authority. Section 33A of the same Act gives power to a workman to file a complaint if the employer does not take the permission of the Labour Court, Tribunal or National Tribunal. Conciliation Officer is not mentioned in this section. The result is that no complaint under section 33A can be filed by a workman for contravention of section 33(2)(b) if the authority concerned happens to be a Conciliation Officer. The question whether there has been a contravention of that section can, therefore, be gone into only on a reference under section 10 of the Act.

20. The next question which arises is whether the Tribunal can set aside an order of dismissal or discharge merely because it finds that there has been a contravention by the employer of the proviso to section 33(2)(b). The answer must clearly be no. At this stage, I may refer to the observations of the Supreme Court in the Punjab National Bank Vs. Their Workmen 1959 (11) L.L.J. 666. In the 1st column of page 681, their Lordships have observed:—

"In the present case the impugned orders of dismissal have given rise to an industrial dispute which has been referred to the tribunal by the appropriate Government under s.10. There can be no doubt that if under a complaint filed under S. 33A a Tribunal has to deal not only with the question of contravention but also with the merits of the order of dismissal, the position cannot be any different when a reference is made to the Tribunal like the present under S.10. What is true about the scope of enquiry under S.33A is a *fortiori* true in the case of an enquiry under S. 10. What is referred to the tribunal under S. 10 is the industrial dispute between the bank and its employees. The alleged contravention by the bank of S.33 is no doubt one of the points which the Tribunal has to decide but the decision on this question does not conclude the enquiry. The tribunal would have also to consider whether impugned orders of dismissal are otherwise justified, and whether, in the light of the relevant circumstances of the case, an order of reinstatement should or should not be passed. It is only after all these aspects have been considered by the tribunal that it can adequately deal with the Industrial dispute referred to it and make an appropriate award."

21. A similar question arose for decision in the Patna High Court in Bansi Industries, Ltd., Vs. Labour Court, Patna, and others reported in 1963 (1) L.L.J. 75. In that case, the management did not take an express permission from the Tribunal as required by the proviso to section 33(2)(b) of the Industrial Disputes Act for the dismissal of the workman in question. On the finding of this contravention alone, the tribunal ordered reinstatement of the workman without going into the merits. Their Lordships, however, set aside the Tribunal's order and held:—

"In other words, an enquiry under S. 33A is not confined only to the determination of the question as to whether the alleged contravention by the employer of the provisions of S. 33 has been proved or not. It was the duty of the tribunal in such a case to deal not only with the question of contravention of S. 33 of, the Act, but also with the merits of the order of dismissal."

22. Even if it is supposed for the sake of argument therefore, that there has been a contravention of the proviso to section 33(2)(b) in this case, I must necessarily examine the merits of the dismissal of the workmen in question. In view of the finding which I have already recorded, the domestic enquiry was held properly and without any violation of natural justice. That being so,

the dismissal of the workmen on the basis of the finding arrived at by the enquiring officer must be held to be justified. I give my award accordingly.

23. The second question does not arise for consideration. Let this award be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) KAMLA SAHAI,
Presiding Officer.
[No. 36/17/66-LRI.]

New Delhi, the 2nd March 1968

S.O. 895.—Whereas by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3074, dated the 24th August, 1967, the Central Government had declared the iron ore mining industry to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947), for a period of six months from the 4th September, 1967;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 4th March, 1968.

[No. F. 1/8/68-LRI.]

New Delhi, the 4th March 1968

S.O. 896.—Whereas the Central Government being satisfied that the public interest so required had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), [being the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S. O. 3183, dated the 1st September, 1967], service in hospitals and dispensaries carried on by or under the authority of the Central Government, to be a public utility service for the purposes of the said Act for a period of six months from the 7th September, 1967;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a further period of six months from the 7th March, 1968.

[No. F. 1/9/68-LRI.].

ORDERS

New Delhi, the 24th February 1968

S.O. 897.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Arrah-Sasaram Light Railway Company and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Whether the guards and other 'Continuous' Employees employed in the Loco Shed of the Arrah-Sasaram Light Railway Company Limited, are entitled for overtime wages whenever asked to do extra work? If so, what should be the criteria and quantum of such overtime?

[No. 2/26/67-LRIII.]

S.O. 898.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management in ordering recovery of the amount already paid and reduction in the salary of Shri M. L. Anand, Clerk at their Jabalpur Cantt., Office, vide letter No. 2802 dated the 16th January, 1967, from the District Manager, Central Circle, Indore to the Manager, Branch Office, Jabalpur Cantt., is justified? If not, to what relief is he entitled?

[No. 51/66/67-LRIII.]

New Delhi, the 29th February 1968

S.O. 899.—Whereas the employers in relation to the management of Ispat Lime Stone Quarry, Satna, and their workmen represented by Rourkela Project Mazdoor Union, Babupur, Satna, have jointly applied to the Central Government under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), for reference to a Tribunal of an industrial dispute that exists between them in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas, the Central Government is satisfied that the said Rourkela Project Mazdoor Union, Babupur represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether in view of the application of the recommendations of the Wage Board for Iron and Steel Industry, the workers in the Mines are entitled to any Mining Allowance also?
- (2) Whether the wage structure contained in the recommendations of the Wage Board for Iron and Steel Industry applicable to the Steel Industry with effect from 1st April 1965, which the management have agreed to apply also to the mining establishments from 1st January 1967, should be made applicable to the mining establishments from 1st April, 1965 also?

[No. F. 36/45/67-LRI.]

S.O. 900.—Whereas the Central Government is of opinion that an industrial dispute exists or is apprehended between the employers in relation to the Management of Maihar Stone and Lime Company Limited, Maihar and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

(1) Whether the action of the management of Maihar Stone and Lime Company Limited, Maihar (Madhya Pradesh) in terminating the services of the following workmen with effect from the 15th October, 1967 on the ground of reaching the age of superannuation is justified:—

- (i) Shri Damia Kol s/o. Shri Din Dayal,
- (ii) Shri Mangi Kol s/o. Shri Din Dayal,
- (iii) Shri Budhava s/o. Shri Din Dayal.

If not, to what relief are the workmen entitled?

(2) Whether the action of the management of Maihar Stone and Lime Company Limited, Maihar (Madhya Pradesh) in terminating the services of the following workmen with effect from the dates mentioned against each is justified:—

- (i) Shri Mohan Kanchi S/o. Shri Baijnath, with effect from 7th September 1967.
- (ii) Shri Chunwada S/o Vishwa Nath Kol, with effect from 15th October 1967.
- (iii) Shri Sukh Ram S/o. Mangi, with effect from 15th October, 1967.
- (iv) Shri Bharat S/o. Mangi, with effect from 15th October 1967.
- (v) Shri Siva Nath S/o Kaloo, with effect from 15th October 1967.
- (vi) Shri Vishwa Nath S/o Kaloo, with effect from 15th October 1967.
- (vii) Shrimati Ram Patia w/o Sukh Ram Kol, with effect from 15th October 1967.
- (viii) Shrimati Sirwatia w/o Chunwada Kol, with effect from 15th October 1967.
- (ix) Shrimati Nagmatia w/o Vishwa Nath Kol, with effect from 15th October 1967.
- (x) Shrimati Munni Bai w/o Bndhia Kol, with effect from 15th October 1967.
- (xi) Shrimati Ram Bai w/o Damia Kol, with effect from 15th October 1967.

If not, to what relief are the workmen entitled?

[No. 36/43/67-LRI.]

New Delhi, the 1st March 1968

S.O. 901.—Whereas the industrial disputes specified in the Schedule hereto annexed were pending before Shri V. V. Subramania Iyer, Presiding Officer, Industrial Tribunal, Kozhikode.

And whereas Shri V. V. Subramania Iyer has retired and on relinquishing the charge of the post of Presiding Officer, Industrial Tribunal, Kozhikode, held by him Shri R. K. Venu Nayar has assumed charge as Presiding Officer of the said Industrial Tribunal at Kozhikode.

And whereas for the ends of justice and convenience of the parties, the disputes specified in the Schedule hereto annexed should be disposed of without further delay;

Now, therefore, in exercise of the powers conferred by section 7A, and sub-section (1) of section 33-B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri R. K. Venu Nayar as the Presiding Officer, with headquarters at Kozhikode, withdraws the proceedings, in relation to the said disputes from Shri V. V. Subramania Iyer, and transfers the same to Shri R. K. Venu Nayar Presiding Officer, Industrial Tribunal, Kozhikode, for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Serial No.	Parties to the dispute	No. and date of reference to the Industrial Tribunal	S. O. No. of Gazette and year of publication
1	2	3	4
1	Cochin Dock Labour Board and their workmen.	28 (48)/67, LR III dated 2-6-1967.	1994/67
2	United Stevedores Association of Cochin (Private) Limited, Cochin and 6 others.	28 (101)-LR III dated 2-11-1967.	4023/67

[No. 28/101/67-LR III.1]

S.O. 902.—Whereas the industrial disputes specified in the Schedule hereto annexed are pending before the Presiding Officer, Industrial Tribunal, Bombay constituted under section 7A of the Industrial Disputes Act, 1947;

And whereas for the ends of justice and convenience of parties, the disputes specified in the Schedule hereto annexed should be disposed of without further delay;

Now, therefore, in exercise of the powers conferred by section 7A, and sub-section (1) of section 33-B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri R. K. Nenu Nayar as Presiding Officer, with headquarters at Kozhikode, and withdraws the proceedings, in relation to the said dispute from the Industrial Tribunal, Bombay and transfers the same to the Industrial Tribunal, Kozhikode hereby constituted, for the disposal of the said proceedings with the direction that the said Industrial Tribunal shall proceed with the said proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Serial No.	Parties to the dispute	No. and date of reference to the Industrial Tribunal	S.O.No. of Gazette and year of publication
1	2	3	4
1	Malabar Group of Shipping companies comprising of (1) Malabar Steamship Company Limited, Cochin (2) M/s New Dholera Steamships, Limited Cochin (3) The National Steamship Company, Limited Cochin (4) Messrs New Dholera Shipping and Trading Company Limited Cochin.	28(86)/65-LR IV 14-4-1966	1251/1966
2	Malabar Group of Shipping companies comprising of (1) Malabar Steamship Company Limited, Cochin, (2) M/s. New Dholera Steamship Limited Cochin (3) The National Steamship Company, Limited, Cochin (4) Messrs New Dholera Shipping and Trading Company Limited Cochin.	28(86)/65-LR IV 27-6-1966	1981/1966

[No. 28/86/65-LR IV.]

S.O. 903.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kalyanarama Mica Mine, Kalichedu, Rapur Taluk, Nellore District and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the action of the management of Kalyanarama Mica Mine, Kalichedu, in terminating the services of Shri Kootla Ankiah, underground Mazdoor, with effect from the 10th September, 1967, was justified? If not, to what relief is he entitled?

[No. F. 20/1/68-LRI.]

S.O. 904.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs. Assam Oil Company Limited, Digboi and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri S. C. Barua, as the Presiding Officer with Headquarters at Dibrugarh and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the dismissal of Shri K. T. Das, Regd. No. 26154 with effect from the 13th December, 1966 by the management of Messrs Assam Oil Company Limited, Digboi is justified and if not, to what relief is he entitled?

[No. 25/18/67-LRI.]

New Delhi, the 4th March 1968

S.O. 905.—Whereas an industrial dispute between the (i) Master Stevedores Association (2) Calcutta Stevedores Association and their members (3) Messrs. C. Laurics and Company, Calcutta (4) Messrs. H. D. Mukherjee and Company Private Limited, Calcutta and their workmen was referred for adjudication to the Industrial Tribunal, Calcutta, and its award was published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3652, dated the 28th September, 1967;

And whereas, in the opinion of the Central Government difficulties have arisen as to the interpretation of the said award in respect of the question specified in the Schedule hereto annexed.

Now, therefore, in exercise of the powers conferred by section 36A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said question for decision to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether the award in reference No. 149 of 1966 published with the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation No. S.O. 3652, dated the 28th September, 1967 directs the employers to make payment of subsequent increase in additional dearness allowance granted from time to time or limits it to the payment amount specified in paragraphs 10 and 11 of the said award.

[No. 28(119)/66-LRIV Part II.]

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)

New Delhi, the 2nd March 1968

S.O. 906.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, (No. 2), Dhanbad, in the Industrial dispute between the employers in relation to the Bokaro Colliery of National Coal Development Corporation Limited and their workmen, which was received by the Central Government on the 21st February, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD.

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 25 OF 1967

PARTIES:

Employers in relation to the Bokaro Colliery of the National Coal Development Corporation Limited,

AND

Their workmen.

PRESENT:

Sri Nandagiri Venkata Rao.—*Presiding Officer.*

APPEARANCES:

For the employers.—Sri M. L. Gulati, Senior Group Personnel Officer.

For the workmen.—None.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 15th February, 1968.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Bokaro Colliery of the National Coal Development Corporation Limited and their workmen by its order No. 2/12/63-LR. II dated 10th March, 1965 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

“Taking into consideration the nature of work performed by Shri Sudhangshu Kumar Bhattacharjee, Assistant Magazine Clerk of the central magazine store, whether the management of Bokaro Colliery of the National Coal Development Corporation Limited is justified in placing him in the grade of Rs. 105-135 (revised)? If not, to what relief is he entitled?”

2. The Central Government Industrial Tribunal, Dhanbad registered the reference No. 34 of 1965 on its file. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LR II dated 8th May, 1967 under Section 33(B) (1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as reference No. 25 of 1967. The employers filed their statement of demands.

3. The workmen have not filed their statement of demands. Nor have they appeared before the Tribunal in spite of service of notice. Consequently, the enquiry proceeded in accordance with Rule 22 of the Industrial Disputes (Central) Rules, 1957 as though the workmen had attended or had been represented before the Tribunal. From the reference the case of the workmen appears to be that Sudhangshu Kumar Bhattacharjee (hereinafter referred to as the affected workman) was, from the nature of work performed by him an assistant magazine clerk, that he was placed in the grade of Rs. 105-135 (revised) and that it was unjust. The employers filed their statement of demands, stating that the affected workman was only a munshi and not an assistant magazine clerk, that there is no such post as an “assistant magazine clerk” and that the pay scale of Rs. 105-135 given to the affected workman was appropriate and just. The onus was lying on the workmen to establish that there was a post of an “assistant Magazine Clerk”, that from the nature of work performed by him the affected workman was an “assistant magazine clerk” and that the pay scale of Rs. 105-135 was lower than the one due to him. But there is absolutely no evidence that there was a post of an “assistant magazine clerk” and that the affected workman was performing the duties of such a post. Consequently, the case of the workmen is liable to be rejected. The affected workman cannot be held entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO, Presiding Officer.

APPENDIX I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2)
AT DHANBAD

REFERENCE No. 25 of 1967

Employers in relation to the Bokaro Colliery of the National Coal Development Corporation Limited.

AND

Their workmen.

List of Documents Admitted in Evidence for the Employers

Distinguishing mark or number	Description of document & date	Date of admission	Whether admitted after or without objection	Proved by
Nil	Nil	Nil	Nil	Nil

List of Documents Admitted in Evidence for the Workmen

Distinguishing mark or number	Description of document & date.	Date of admission	Whether admitted after or without objection	Proved by
Nil	Nil	Nil	Nil	Nil

(Sd.) N. VENKATA RAO,
Presiding Officer.

APPENDIX II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2)
AT DHANBAD

REFERENCE No. 25 of 1967

Employers in relation to the Bokaro Colliery of the National Coal Development Corporation Limited.

AND

Their workmen.

List of Witnesses examined for the Employer

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

List of Witnesses Examined for the Workmen

No. of witness	Name of witness	Date of examination
Nil	Nil	Nil

(Sd.) N. VENKATA RAO,
Presiding Officer.
[No. 2/12/63-LR. II.]

S.O. 907.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bhagaband Colliery of the Borrea Coal Company and their workmen, which was received by the Central Government on the 23rd February, 1968.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT AT DHANBAD**

In the matter of a reference under Section 10(1) (d) of the Industrial Disputes Act, 1947

REFERENCE No. 49 OF 1967

PARTIES:

Employers in relation to the Bhagaband Colliery of the Borrea Coal Company, P.O. Bhagaband, (Dhanbad).

Vs.

Their workmen.

PRESENT:

Shri Kamla Sahai.—*Presiding Officer.*

APPEARANCES:

For the Employers.—Shri D. Narsingh, Advocate.

For the Workmen.—Shri Baban Lal, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 10th February, 1968.

AWARD

Being of the opinion that an industrial dispute exists between the parties, the Central Government has, by its order No. 2/118/67-LRII dated the 9th November, 1967, referred the following questions for adjudication to this Tribunal under section 10(1) (d) of the Industrial Disputes Act, 1947.

SCHEDULE

"Whether the management of Bhagaband Colliery of the Borrea Coal Company is justified in dismissing their workman Shri Bishun Dayal Garari, Traffic Sirdar, from service with effect from the 14th April, 1967? If not, to what relief is the workman entitled?"

2. In chargesheet No. 78 dated the 7th March, 1967 (Ext. M1) served upon Shri Bishun Dayal Garari, Traffic Sirdar, Bhagaband Colliery, the management stated as follows:—

"You are charged for neglect of work, disobedience, insubordination, disorderly and indecent behaviour in that on 6th March, 1967, while you were on duty in the 1st shift:

(1) Only 4 loaded tubs had been raised from No. 2 Pit till 10-30 A.M. although 39 loaded tubs were waiting at No. 2 Pit shaft level.

(2) When at about 1 P.M. Shri S. S. Prasad, Asstt., Manager enquired from you the reason for such slow movement of tubs you replied in an arrogant manner that the screening plant had started working only at 11 A.M. Then on being asked by Shri Prasad why the travelling tippler was not started in that case you said that it had been started at 10-00 A.M. When asked why the travelling tippler had not been started earlier, you behaved in an insubordinate and disorderly manner and told him defiantly by brandishing your hand that he could do what he pleased and that you were not responsible for the raisings.

(3) When the Manager on seeing your disorderly defiant, and insubordinate behaviour towards the Asstt., Manager and indifference to the work of the Company ordered you to leave the place of work you refused to obey his order and angrily and defiantly retorted that you would not leave the place, come what may.

You are suspended pending enquiry".

3. Ext. M2 is the explanation given by the workman, Shri Bishun Dayal Garari, dated the 14th March, 1967. It is in hindi. A substance of the chargesheet has been given in the first paragraph and it has been added that all the charges are false, manufactured and without substance. It has then been stated that he joined his duties at the right time on the 6th March, 1967, and then found that the screening plant had gone wrong and had not been put in order until that time. He, therefore, started the travelling tippler at 9-30 A.M. and stopped it at 11-00 A.M. when the screening plant began working. In the 3rd paragraph, the workman has stated that the most surprising part was that, by 1-00 P.M. plenty of materials had already been lifted with the help of the screening plant and still reference was made to slow progress. It has been further stated in the explanation that allegations had been made against him merely for the purpose of getting rid of him because many a time he had submitted his demands and difficulties as well as those of other workmen before the Manager who had held out threats to him. Prayer was made on the ground that the allegation were false that the chargesheet should be withdrawn and he should be allowed to join his duty.

4. The workman filed his written statement before this Tribunal on the 19th December, 1967. A substance of his explanation has been given in this written statement and it has been further said that the chargesheet was in the English language which was not known to the workman and nobody explained the allegation made in the chargesheet to him, that he is illiterate and he cannot even read or write Hindi; that the workman requested the management to conduct the enquiry in Hindi but his request was turned down; that the witnesses of the management gave their statements in English and no one explained the same to him; that he was not given the chance to cross-examine the witnesses; that the statement of the witnesses were not recorded properly and that the allegations made against him were vague and misleading. He has further alleged that he had joined work punctually and in time on the 6th March, 1967; that the screening plant of the colliery was out of order but he asked the misty to put it right; that he then started running the travelling tippler; that there was no shortage of out turn on the date in question and that it is not his duty but the duty of the trammers to run the tippler.

5. The employers have filed a rejoinder on the 3rd January, 1968. Their case as put in this rejoinder is that the allegations made in the chargesheet are true and that they were made out before the enquiring officer. On the basis of his findings, Bishun Dayal Garari has been rightly ordered to be dismissed.

6. At the hearing, Shri Baban Lal Advocate, who appeared on behalf of the workman, waived formal proof of the documents filed on behalf of the employers and they were therefore marked Exts. M1 to M9. Shri D. N. Narsingh, Advocate, who appeared on behalf of the employers, waived formal proof of the documents filed on behalf of the workman and they were marked Exts. W1 and W2. Neither party examined any witness. I heard the arguments of the learned Advocates.

7. In view of the arguments of the parties, the following points arise for consideration:--

- (i) Was the domestic enquiry properly held in accordance with principles of natural justice?
- (ii) Has there been victimisation or unfair labour practice in this case?
- (iii) In all the circumstances of the case, is the dismissal of the workman justified?

Point (i) and (ii)—

8. I take up these two points for consideration together for the sake of convenience. Before proceeding any further, however, I may mention some of the events in their chronological order. The occurrence in question took place on the 6th March, 1967. Chargesheet No. 78 was framed on the 7th March, 1967. The workman submitted his explanation on the 14th March but it actually appears to have been received by the management on the 16th March, 1967. Shri A. P. Sinha was appointed to be the enquiring officer. He examined Shri S. S. Prasad, Asstt Manager as PW1 on the 24th March. Shri D. C. Agarwal, Manager, as PW2 on the 25th March and Shri V. K. Singh, 1st class Asstt. Manager as PW3 on the 28th March. After recording the deposition of each of the three witnesses, he has noted that the accused (meaning the workman concerned) declined cross examination. He has also mentioned under each of the depositions.

that the deposition was read and explained in Hindi to the accused and it was admitted to be correct by the witness. He has noted in the enquiry report that Bishun Dayal Garari refused to sign or put his thumb impression under these depositions. On the 28th March itself, the enquiring officer recorded the statement of Bishun Dayal Garari. He then stated that he had nothing to add to what he had said in his reply to the chargesheet. He also gave the names of five witnesses as those whom he wished to examine. On being questioned by the enquiring officer, he said that he did not make any demand for his wages or the wages of other labourers of the colliery; that he had placed requisitions for materials for the company's work and had placed the difficulties of work before the Manager which the latter did not take any heed of. He also added that he had meant this by referring to "Mangs" or "demands" in his reply.

9. He put his thumb impression under this statement. The alleged delinquent was very insistent that the depositions of his defence witnesses should be recorded in Hindi. The management, however, did not accede to his request because they said that, according to the procedure followed in the colliery, deposition at such enquiries are recorded in English. The Manager further informed Bishun Dayal Garari in his letter (Ext. M3) dated the 30th March, 1967 that he could take the assistance of a co-worker trusted by him. He could be present during the enquiry so as to ensure that the statements were being correctly recorded. By the same letter, information was given that further enquiry would be held on the 7th April, 1967 when Bishun Dayal Garari should be present with his witnesses. It appears that the defence witnesses and Bishun Dayal Garari were all present before the enquiring officer on the 7th April, 1967 and the statements of all the defence witnesses were recorded on that date. The enquiring officer has noted under each of the statements that it was read over and explained to the accused in Hindi and it was admitted to be correct by the witness. Bishun Dayal Garari also put his thumb impression under each of these depositions.

10. The enquiring officer prepared and submitted his report on the 10th April, 1967.

11. On perusal of the enquiry report, the Manager, Shri D. G. Agarwal, refused to make any recommendation because he was a witness. Shri A. Singh, another officer, however, recommended the dismissal of Bishun Dayal Garari and Mr. Senior approved of his dismissal which was conveyed to him by a letter (Ext. M5) dated the 14th April, 1967.

12. Shri Baban Lal has not been able to urge that there is anything in this case to show that there has been victimisation or unfair labour practice. He has urged three points. The first point is that, as the workman insisted that the depositions of witnesses should be recorded in Hindi, they should have been recorded in that language. I am unable to agree. I do not see why the management should have altered their ordinary procedure of getting depositions of witnesses at an enquiry recorded in English. All that was necessary was that the statements of the witnesses should have been explained in Hindi to the workman concerned. The enquiring officer has made a note at the foot of each deposition that he did so. Besides, the Manager very fairly offered to the workman to bring to the enquiry any trusted co-worker who could see that the evidence was correctly recorded. He did not care to take advantage of this offer. In these circumstances, I am unable to hold that there was anything unfair in the enquiring officer recording the depositions in English.

13. The second point urged by Shri Baban Lal is that the allegations made by the management were vague. I do not think so.

14. It has been clearly mentioned in the first charge that only four loaded tubs had been raised from pit No. 2 until 10-30 A.M. though 39 loaded tubs were waiting to be raised. The gravamen of charge no. 2 is that, on being questioned by Shri S. S. Prasad, Asstt. Manager, Bishun Dayal Garari at one stage told him defiantly by brandishing his hand that he (S. S. Prasad) could do what he pleased and that he (Bishun Dayal Garari) was not responsible for the raisings. The third charge is also clear. It is to the effect that, when the Manager asked the workman to leave the place, he refused to obey the order, and he said angrily and defiantly that he would not leave the place, come what may.

15. In his evidence, Shri S. S. Prasad has stated about Bishun Dayal Garari as follows:—

"His area of duty is Pit Top and Pit Bottom. He is principally to see that the loaded tubs are quickly raised and dumped at the depot and the empties are returned quickly underground for fresh raising. If there

is any bottleneck of raising as for instance the stoppage of screening plant etc., he is to see that the bottlenecking is removed as soon as possible, and/or take alternative steps so that the tempo of raising does not suffer".

16. All the three witnesses for the management have fully supported the allegations made in the chargesheet. It is, therefore clear that the charges are not only clear but sufficient evidence has been led to establish those charges as alleged by the management.

17. The third point urged by Shri Baban Lal is that the enquiring officer has wrongly disbelieved the defence witnesses on assumption of certain facts which have not been brought on the record. The principal reason given by the enquiring officer for disbelieving the defence witnesses is that the Manager and the Asstt. Manager were talking with the Traffic sirdar and taking his explanation for slow progress of work (which he has inaccurately put as putting him on the mat) and it was not likely that the defence witnesses who were trammers could be allowed to stop near then for such long times as to hear their conversations. This is a consideration of the probabilities of the case and I cannot hold it to be unjustified. Besides, the story of the defence witnesses is rather curious. They say that S. S. Prasad reprimanded Bishun Dayal Garari and he did not say anything at all. It is difficult to see how an Asstt. Manager could loose his temper with a man who was silent and, before becoming silent, merely gave an explanation in answer to the Asstt. Manager's question, saying that the screening plant had started operating at 11.00 A.M. I am unable to take a view of the evidence different from that of the enquiring officer. He has written an elaborate report and I do not see any ground for holding that there was any in-propriety in the domestic enquiry.

18. At this stage, I may refer to the observations of the Supreme Court in *Tata Oil Mills Company Ltd.*, and its workmen and another (1963 (11) L.L.J. 78) at page 80:—

"The true legal position about the jurisdiction of the tribunal in dealing with an industrial dispute of this type is now well-settled. If it is shown that the employer has held a proper enquiry, the tribunal would not be entitled to consider the propriety or the correctness of the conclusions reached by the enquiry officer at such enquiry. The tribunal will be entitled to consider the said conclusions if they appear to be perverse or if the tribunal is satisfied that the enquiry was unfair, or, either the proceedings or the final order passed against the workmen amounted to victimisation or adoption of an unfair labour practice. If none of these facts is established then the findings made by the enquiry officer in the domestic enquiry should be taken to be binding against the employee."

19. In the case of *Ananda Bazar Patilka (Private) Ltd. and Their employees* reported in 1963 (II) L.L.J. 429, Gajendragadkar J., who delivered the judgment of the Supreme Court, has observed at page 432:—

"The extent of the jurisdiction which a labour court or an industrial tribunal can exercise in dealing with such disputes is well-settled. If the termination of an industrial employee's services has been preceded by a proper domestic enquiry which has been held in accordance with the rules of natural justice and the conclusions reached at the said enquiry are not perverse, the tribunal is not entitled to consider the propriety or the correctness of the said conclusions. If, on the other hand, in terminating the services of the employee, the management has acted maliciously or vindictively or has been actuated by a desire to punish the employee for his trade union activities, the tribunal would be entitled to give adequate protection to the employee by ordering his reinstatement or directing in his favour the payment of compensation; but if the enquiry has been proper and the conduct of the management in dismissing the employee is not *malafide* then the tribunal cannot interfere with the conclusions of the enquiry officer, or with the orders passed by the management after accepting the said conclusion".

20. On a consideration of all the facts and circumstances of the case, I am clearly of the opinion that the domestic enquiry was properly held and that there is no reason to think that there was victimisation or unfair labour practice in this case.

Point (iii)—

21. In view of the finding which I have arrived at, I held that the management of Bhagaband colliery of the Borra Coal Company was justified in dismissing the

workmen, Shri Bishun Dayal Garari, Traffic Sirdar with effect from the 14th April, 1967. The second question does not, therefore, arise for consideration. This is my award. Let it be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

Sd./- KAMLA SAHAI,
Presiding Officer.

[No. 2/118/67/LR-II.]

S.O. 908.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the management of Kharkharee Colliery of M/s. Bharat Mining Corporation Limited, P.O. Kharkharee, District Dhanbad and their workmen, which was received by the Central Government on the 23rd February, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 52 OF 1967

PARTIES:

Employers in relation to the management of Kharkharee Colliery of M/s. Bharat Mining Corporation Limited, Post Office, Kharkharee, (Dhanbad).

Vs.
Their Workmen.

PRESENT.

Shri Kamla Sahai—*Presiding Officer.*

APPEARANCES:

For the Employers: Shri S. S. Mukherjee, Advocate.

For the Workman: Shri B. K. Lath, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 10th February 1968

AWARD

Being of opinion that an industrial dispute exists, the Central Government has, by its order No. 2/119/67-LR-II dated the 13th November, 1967 referred the following question to this Tribunal for adjudication:—

SCHEDULE

“Whether the action of the management of Kharkharee Colliery of Messrs Bharat Mining Corporation Limited, Post Office Kharkharee, District Dhanbad in stopping Shri Rabi Lochan Ghosh, Electrician, from work with effect from the 19th April, 1967, is justified? If not to what relief is the workman entitled?”

2. It is the admitted case of both parties that Rabi Lochan Ghosh was working as an electrician in Kharkharee colliery and, from the 19th April, 1967 he has not been working as such. The employers' case is that this is an individual and not an industrial dispute; that Rabi Lochan Ghosh committed several acts of misconduct during the tenure of his office but the management did not take any serious disciplinary action against him, that it was discovered that he was doing outside work while being in the employ of the colliery and, when asked to discontinue this practice, he refused to do so and that he voluntarily abandoned his service in the colliery from the 19th April, 1967. It is also the employers' case that Rabi Lochan Ghosh approached the management in September, 1967 for service but, since no service was available in Kharkharee Colliery, he was ordered to join the same employers' workshop maintained in their capacity as a contractor at Dacca colliery but he did not join it.

3. The concerned workman's case is that it is true that he was doing some outside work while being in the employ of the colliery but this fact was within the knowledge of the management. His case further is that he did not abandon work but

the employers stopped giving him work with effect from the 19th April, 1967; that he made approaches and oral requests to the management for work but, in spite of their promises, no work was given to him with the result that he raised an industrial dispute before the Conciliation Officer (C), Dhanbad, through his union as can be seen from letter No. 160/KH/10/67 dated the 3rd October, 1967. This reference has been made on submission of the failure report.

4. At the hearing, several documents have been put in as exhibits on behalf of both sides. Besides, five witnesses have been examined on behalf of the management and three witnesses have been examined on behalf of the workman.

5. In view of the arguments advanced by the learned advocates of both sides, the following points arise for consideration:—

(i) Is this an individual dispute?

(ii) Was the workman doing outside work during the period of his service in Kharkharee Colliery? If so, was it within the knowledge of the management?

(iii) Did Rabi Lochan Ghosh file an application for refund of his provident fund money and, if so, is the date of termination of service mentioned in it correct?

(iv) Did Rabi Lochan Ghosh abandon work or was he stopped by the management from working with effect from the 19th April, 1967?

(v) Is Rabi Lochan Ghosh entitled to any relief?

Point (i)—

6. It seems manifest that this is not an individual dispute. It was raised by Rabi Lochan Ghosh but was supported by Shri S. N. Mishra, General Secretary of the Kharkharee Ganeshpur Labour Union, by his letter No. 160/KH/10/67 dated the 3rd October, 1967 addressed to the Assistant Labour Commissioner (C), Dhanbad. The failure report submitted by the Assistant Labour Commissioner (C), Dhanbad shows that the matter was taken up on the basis of the letter of Rabi Lochan Ghosh dated the 13th August, 1967 but he was assisted at the discussion before him by the aforesaid Shri S. N. Mishra. Besides, Shri R. C. Sharma, who is the President of Kharkharee Ganeshpur Labour Union, has been examined as WW3. He says that Rabi Lochan Ghosh is a member of his union and that his union took up the case when the work of Rabi Lochan Ghosh was stopped. I, therefore, held that this is clearly an industrial dispute.

Point (ii)—

7. Ext. W4 is a letter dated the 3rd June, 1964 whereby Rabi Lochan Ghosh was appointed as an electrician in Kharkharee Colliery. It seems that, almost from the very beginning, he started doing some outside work also. Ext. W3 is an application which he filed before the Manager, Kharkharee Colliery. By this application, he sought permission to work outside on contract basis during hours of his rest. Ext. W3(a) is an endorsement on this application by Shri V. K. Singh, WW1, the then Assistant Manager of Kharkharee Colliery. The endorsement is: "allowed provided there is no hinderance of colliery work". He passed this order obviously as Manager and, though he has been cross-examined, I do not see any good reason to suppose that the endorsement is incorrect. It is quite obvious, therefore, that Rabi Lochan Ghosh was doing outside work but this fact was known to the management.

8. Although three chargesheets appear to have been framed against Rabi Lochan Ghosh from time to time, none of them relates to outside work. One of them [Ext. M1(a)] relates to use of abusive words to the medical officer; another of them [Ext. M2(a)] relates to his absence from duty without permission for five days from the 22nd May 1966 and the 3rd of them [Ext. M3(a)] relates to his neglect in attending to a break-down at 26 incline.

9. I may refer in this connection to Ext. M4 dated the 28th September, 1967. This is a letter sent by the Director, Shri S. C. Jain, to Rabi Lochan Ghosh. It has been stated in this letter that he had been doing outside work and, when the Manager asked him not to do so, he flatly refused to carry out the Manager's instructions and admitted in writing that he was prepared to resign, whereafter he did not attend to his duties and was doing outside work. It has been further stated in the letter that he had now agreed not to do outside work but several

mines in Kharkharee had been drowned and so he was being posted to the company's workshop at Dacra where he was a contractor. I do not think that any importance can be attached to this order of transfer because, if the management had stopped the workman from work on the 19th April, 1967, an order of transfer about five months later could not possibly have any effect. Nothing in writing has been produced to show that Rabi Lochan Ghosh was prepared to resign his service. Besides, the letter was written after the dispute had already been raised and I am not prepared to accept as true any statement made in it. In my opinion, it was prepared only as a defence.

10. Rabi Lochan Ghosh was admittedly doing outside work during his rest hours when he was in the employ of the colliery, but, in view of the fact that this was known to the management, I do not think that it can be held to have been a misconduct on his part.

Point (iii)—

11. Rabi Lochan Ghosh denied that he ever filed an application for the refund of provident fund money. R. K. Chakravarty MW5, however, is the provident fund clerk of the Kharkharee colliery for the last twelve years. He has proved the application (Ext. M7) as an application for the refund of provident fund money prepared at the instance of Rabi Lochan Ghosh. The date of termination of service mentioned in this application is 31st March 1967 and MW5 has explained that the date was mentioned only because Rabi Lochan Ghosh made no provident fund contribution after that date. I do not see how a date can be said to be a date of termination of service simply because no provident fund contribution is made thereafter. It is nobody's case that the service of Rabi Lochan Ghosh was terminated with effect from the 31st March, 1966. In fact, the register filed by the employers also shows his attendance upto the 19th April, 1967. In my opinion, therefore, the application is not a material of any importance because the date of termination of service given in it is obviously and admittedly incorrect.

Point (iv)—

12. This is the most important point for consideration in the case. Rabi Lochan Ghosh himself says that he was stopped from working whereas the Director, Shri S. C. Jain, MW2, says that he abandoned the work. It is true that Rabi Lochan Ghosh did not take up the matter in writing with any authority until August, 1967 but he says that he was making oral requests to the colliery authorities for work and they were giving him promises. The most significant thing is that chargesheet Ex. M2(a) was framed against him on the 27th May, 1966 for five days' absence with effect from the 22nd May but no chargesheet was framed against him at all for his alleged absence from duty without permission for several months from the 19th April. The clear indication from this fact is that it was not he who abandoned work but it was the management which stopped him from doing work. I may also make reference at this stage to the alleged order of transfer dated the 28th September, 1967. That letter shows that the Director made enquiries on the basis of Rabi Lochan Ghosh's allegation of having been stopped from work. He has certainly given his conclusion that Rabi Lochan Ghosh did not attend to his duties and started working outside, but he does not appear to have had any domestic enquiry made in this connection. If such an enquiry had been held, evidence would have been recorded in presence of the workman and he would have had opportunities of cross-examination. In other words, rules of natural justice would have been observed. The enquiry by the director was one-sided and without observance of rules of natural justice.

13. Having considered the entire evidence on record my conclusion is that Rabi Lochan Ghosh did not abandon work but the management stopped him from working with effect from the 19th April, 1967.

Point (v)—

14. In view of the findings which I have recorded above, I hold that the action of the management of Kharkharee Colliery of M/s. Bharat Mining Corporation in stopping Shri Rabi Lochan Ghosh from work with effect from the 19th April, 1967 was not justified. In view of this finding, he is entitled to be reinstated with full back wages and continuity of service. This is my award. Let it be submitted to the Central Government under section 15 of the Act.

Sd./- KAMLA SAHAI,
Presiding Officer.
[No. 2/119/67-LRII.]

S.O. 909—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Messrs Shaw Wallace and Company Parasia, District Chhindwara (Madhya Pradesh) and their workmen, which was received by the Central Government on the 27th February, 1968.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.

Dated February 9, 1968

PRESENT:

Shri G. C. Agarwala— *Presiding Officer.*

CASE REF. No. CGIT/LC(R) (123)/1967 US/10 I.D. ACT

PARTIES:

Employers in relation to

Messrs Shaw Wallace & Company,
Parasia, District Chhindwara (M.P.)

Vs.

Their workmen represented through the President, M.P. Rashtriya Koyla Khadan Mazdoor Sangh, Chandametta, Parasia, District, Chhindwara (M.P.).

APPEARANCES:

For employers—S/Shri V. M. Thakuraaney, Chief Personnel Officer & Sardar Ujagar Singh, Labour Officer of M/s. Shaw Wallace & Co.

For employees—Sri K. B. Chougale, Secretary, Indian National Mines Workers' Federation.

INDUSTRY: Coal Mine

DISTRICT: Chhindwara (M.P.)

AWARD

By Notification No. 5/13/67-LRII dated 29th August 1967, the Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) referred a dispute formulated in two issues as stated in the Schedule to the Order of reference, about the retirement of workmen in some of collieries of M/s. Shaw Wallace & Co., in the Parasia Coalfields:

Matter of Dispute

Whether the action of the management of Messrs Shaw Wallace and Company Limited in retiring their workmen employed in their collieries in Parasia Coalfield, in the absence of any fixed pension or gratuity scheme and in the absence of any provision in their Standing Orders to this effect, is legal and justified?

(2) If not, to what relief the workmen who have been retired by the management, and particularly the 34 workmen whose names are given in the Annexure, are entitled?

ANNEXURE

Darla West Colliery

- | | | | | | |
|--------------------------------------|---|---|---|---|-------------------|
| 1. Shri Ghorias/o Saligram | . | . | . | . | General Mazdoor |
| 2. Shri Shekh J. mil s/o Shekh Farid | . | . | . | . | Pankha Khalasi |
| 3. Shri Pratap Singh s/o Mahip Singh | . | . | . | . | Onsetter |
| 4. Shri Pooran s/o Parmanand | . | . | . | . | Platlayer Mazdoor |
| 5. Shri Jageshwar r/o Chandi | . | . | . | . | Sardar |
| 6. Shri Ramlal s/o Manni | . | . | . | . | Dresser |
| 7. Shri Kolhu s/o Ithoba | . | . | . | . | Carpenter |
| 8. Smt. Bhuriya w/o Chotelal | . | . | . | . | |

Rhamuri Colliery

- | | | | | | |
|---------------------------------------|---|---|---|---|--------------------|
| 1. Shri Shiv Pal s/o Appa Vishvakarma | . | . | . | . | Dresser |
| 2. Shri Mahilal Mehra | . | . | . | . | Chowkidar |
| 3. Shri Mohd. Baux | . | . | . | . | Line Mazdoor |
| 4. Shri Uch | . | . | . | . | Chowkidar |
| 5. Shri Pushpa | . | . | . | . | Manganese Clerk |
| 6. Shri Shankar Rao | . | . | . | . | Pumper Pench River |
| 7. Shri Bhikhari | . | . | . | . | |

Chandametta Colliery

1. Shri Battoolal S/o Mohan	Head Fitter
2. Shri Kali Deen	Mechanical Fitter
3. Shri Khittoo	Dresser
4. Shri Bhaiyalal	Onsetter
5. Shri Prahlal	Haulage Driver

Chandametta Workshop

1. Shri Ahmad Khan	Chowkidar
2. Shri Jamal Khan	Tandale
3. Shri Sakharam	Chowkidar
4. Shri Devrao	Chowkidar
5. Shri Jawahar Singh	C. C. M. Helper
6. Shri Lungi Mazdoor	Mazdoor Moulding Shop
7. Shri Karim	Mazdoor

Eklahera Colliery

1. Smt. Pooni	Wagon Loader
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Barkohui Colliery

1. Shri Shekh Haiddar	Haulage Khalasi
2. Shri Nanhey	Chowkidar
3. Shri Gulley	Pump Line Chowkidar
4. Shri T. K. Swamy	Engineer

Jhatachappa Colliery

1. Shri Bhoora	} Chowkidar
2. Shri Dhanus	

2. After issue of usual notices, parties filed their statement of claims on which certain additional issues were framed on the preliminary hearing of the case on 5th December 1967. Before reproducing the additional issues, it would be material to state the admitted facts.

3 M/s. Shaw Wallace & Co. are either the Proprietors or the Managing Agents of a number of collieries in Shahdol district known as the Rewa Coalfield. In the certified Standing Orders for collieries in the Rewa Coalfield, there is a provision for retirement of workmen on attaining 60 years of superannuation age or earlier, if found medically unfit. There is no analogous provision in the certified Standing Orders for the Parasia Coalfield. The contention of the management, however is that there had been a prevailing practice in the Parasia Coalfield also to retire such workmen who attain the age of 60 years, at the option of the management and which is consistent with Coal Mine Regulation, 1957. It is on this basis that the management retired certain workmen in the various collieries of Parasia Coalfield as stated in the schedule to the order of reference. The ages at which each workmen had been retired were given in annexure "D" to their written statement and is reproduced as annexure "A" to this award. It was further contended that all the 34 workmen covered by the reference retired voluntarily and accepted either pension or gratuity, statement of which was appended as annexure "F" to the statement of claim and is annexure "B" to this award. It was further alleged that payments have been accepted by most of the workers and therefore there was no dispute left for adjudication. Certain technical and legal objections were also raised by the management to the validity of the reference and the jurisdiction of the Tribunal which would be considered under the appropriate issue.

4. The Union, M.P. Rashtriya Koyla Khadan Mazdoor Sangh, which sponsored the dispute maintained that there was no prevailing practice of retirement in the Parasia Coalfield and the management have no right to retire the workmen by superannuation. It was further denied that there are any set pension and gratuity rules of the company in the matter of retirement. It was also denied that any worker voluntarily retired. Such of them who had accepted payment had to do so on being required to fill up printed and prescribed forms and which was not a

voluntarily act on their part. With these facts further additional issues framed in the case may be stated:—

Addl. Issues :

- (1) Is the reference invalid and the Tribunal has no jurisdiction for reasons mentioned in paragraphs 1 to 3 of the employers written statement?
- (2) Whether the concerned workmen were not members of the Union and no dispute could be raised by the Union?
- (3) whether most of the workers retired voluntarily and accepted payment. If so, have they no dispute left? Its effect?
- (4) Whether the workmen in question had attained the age of 60 years and could be retired on that ground?
- (5) Whether the employers could retire the workmen on the basis of prevailing practice and under Coal Mines Regulations 1957 notwithstanding the absence of any provision in Standing Orders?
- (6) To what relief and if so which of the workmen are entitled?

Findings :

5. *Issue No. 1.*—In paragraph 1 to 3 of the employers written statement, it was pleaded that the retirement of workman is not a matter covered by the Third Schedule of Sec. 7A and therefore this Tribunal has no jurisdiction. The argument is clearly misconceived. The validity of retirement is a matter covered under the Second Schedule item 3 which deals with discharge or dismissal. Under Sec. 10(1)(d) any dispute which is covered by either Second Schedule or Third Schedule can be referred to a Tribunal and therefore there is no infirmity in the reference to this Tribunal. Apart from this, the Tribunal is also a Labour Court and from that point of view all matters enumerated in either Second Schedule or Third Schedule fall within the jurisdiction of this Tribunal-cum-Court.

6. Another argument mentioned in paragraph 3 of the written statement is based on the ground that the Union raised a dispute only with regard to retirement of 34 persons in their demand. Consequently, it was contended that the reference could not cover the general question for other workmen also. This is not for the Tribunal to determine. The jurisdiction of the Tribunal stems from the order of reference and if the employers had any grievance in the matter they should have approached the Ministry on the subject.

7. In paragraph 1, it was contended that 34 persons who have been retired ceased to be workmen under Sec. 2(s) I.D. Act after retirement and therefore the reference is bad in law. This is again based on a misconception. In the first place, as adverted to earlier, the forced retirement of a workman is tantamount to discharge and is therefore covered by the definition of "workman" under Sec. 2(s). It amounts to termination of service and in all reported cases it had been so treated. No argument was ever advanced in any reported case by any employer (*vide Guest, Keen, Williams Private Ltd., Calcutta Vs. P. J. Sterling and others, reported in A.I.R. 1959 (S.C.) p. 1279; Workmen of Kettlewell and Co. Vs. Kettlewell Bullen & Co., 1964 (II) LLJ p. 146; and 1960(I) LLJ p. 501, Bengal Nagpur Cotton Mills, Ltd. Vs. Bastian.* In all these cases of the Hon'ble Supreme Court termination on retirement was assumed as termination of service by discharge and presumably on that ground no argument was conceived and advanced as is done in this case. Apart from this, as in the case of Guest, Keen, Williams Private Ltd., Calcutta (supra) the terms of reference are not confined to the 34 workmen but to the general practice of the management in retiring the workmen in Parasla Coalfield. The question about 34 workmen given in the annexure is only an incidental matter, being only a part of the general issue No. 2 under reference. That being so, such a general question could be the subject matter of reference without regard to the question of 34 workmen in particular. There is, therefore, no substance in this contention either.

8. *Issue No. 2.*—With regard to the 34 workmen in particular covered by the second part of the issue No. 2 under the order of reference, a plea was raised that they were not members of the Union at the relevant time and therefore no dispute could be raised by the Union. The General Secretary of the Union, Sri V N Dutta, came in evidence as E.W. 1 after filing an affidavit which is part of his deposition. From the Membership Registrar and the Counterfoil Receipts which he brought, it appears that only 20 out of 34 could be picked up by him as having

been members either in 1965 or in 1966. There was no Counterfoil Receipt to prove payment of subscription for the calendar year 1967. It follows, therefore, that none of the 34 workmen was member of the Union in 1967. The date of reference is 29th August, 1967. The inevitable conclusion is that the 34 workmen were not members of the Union on the date of reference. This is one of the two material dates to determine the jurisdiction of the Tribunal as held in the leading case of *Bombay Union of Journalists Vs. The "Hindu" Bombay*, reported in A.I.R. 1963 (S.C.) p. 318. There would, therefore, be no jurisdiction to this Tribunal to determine the specific cases of these 34 workmen in particular and second part of the issue No. 2 of the reference cannot be adjudicated. The remaining part of the issue No. 2 and the general aspect of the matter as contained in Issue No. 1 of reference order will, however, be open for determination notwithstanding the bar to go in particular about the specific cases of the 34 workmen specified in the annexure to the order of reference. The Union has a representative character to raise a general dispute as would appear from the Membership Register which would show that out of about 4000 permanent employees, the membership in the year 1966 was 2200. The issue is held accordingly.

9. *Issue No. 3.*—There is nothing to indicated that any workers retired voluntarily and accepted payment. The management could not produce a single workman to prove the fact. They, however, filed certain printed prescribed proformas (Exts. E/1 to Ex. E/25) to show that the workers appended their signatures. These applications are proformas which were filled up by the office and on which the workers were required to sign. This cannot be treated as a voluntarily act on the part of the workers. The management, however, examined some witnesses, clerks of certain collieries. They are S/Sri P K Dhani (E.W. 2) of Chandametta Colliery, V. S. Killedar (E.W. 3) of Bhamori Colliery, Har Lal (E.W. 4) of Datla West Colliery, John Mohd. (E.W. 5) of Barkuhi Colliery, Madan Mohan (E.W. 6) of Eklahera Colliery and Sheobaran Singh (E.W. 7) of Chandametta Workshop. All of them gave evidence about the ages as recorded in Form "B" Register of the workers who have been retired from their collieries and the fact that these workers signed retirement letters and obtained payment. It was, however, admitted by them that except for the printed proformas referred to above, none of the workers gave any separate application. The payment obtained by the workers on these applications rather retirement forms were filled in and signatures obtained after the actual retirement. Pension or gratuity was sanctioned subsequently on the basis of these retirement forms. It appears that there is a Pension Committee as admitted by Sri John Mohd. (E.W. 5). This Committee is composed of four or five workers and a clerk of the management. The function of the Committee is only to verify the correctness of entries in these forms. As such, neither the existence of the pension forms relied upon by the management nor the scrutiny by the Pension Committee about the entries will lead to the inference that the workers voluntarily retired. The management further relied on the fact that some of the workers even signed applications addressed to the General Secretary of the Union intimating that their disputes be not agitated and the Union should not press the same. The carbon copies of the alleged applications are Ex. C/3 to Ex. C/7. Shri Sheobaran Singh (E.W. 7) a clerk in the Chandametta Workshop proved these applications and stated that they were written by him at the instance of the persons concerned. He, however, admitted that he did not know if these workers really gave the applications to the General Secretary requesting him to withdraw their disputes. His statement that the Branch President, Sri Ram Ratan, and the Branch Secretary, Sri Tara Singh, were present does not appear to be correct. Had it been so, they would have been required to sign the applications, but none of these bear the signatures either of the Branch President or the Secretary. The General Secretary of the Union, Sri V. N. Dutta (W.W. 1) has specifically stated that he did not receive any such applications and none of the signatories of Ex. C/3 to C/7 ever requested him to withdraw the dispute. It is manifest that these were obtained simultaneously when the pension forms were required to be filled up so as to force these persons to accept retirement. Apart from this, it may be remembered that the rule of estoppel or acquiescence has no application in industrial adjudication. As observed by the Hon'ble Supreme Court in *Guest, Keen, Williams (P) Ltd. (Supra)* at page 1284 (para 14) "in dealing with industrial disputes, the application of technical legal principles should as far as is reasonable possible be avoided. ... That is why the tribunal should be slow and circumspect in applying the technical principles of acquiescences and estoppel in the adjudication of industrial disputes." The issue is, therefore, answered in negative.

10. Issues No. 4 & 5.—Both these issues may conveniently be dealt with together.

It does appear that practically all the 34 workmen covered by the second part of the issue and in respect of whom there will be no specific determination, as held under Issue No. 2 above there being no industrial disputes which could be taken up by the Union for these workmen, had attained the age of 60 years when they were retired. This is evident from annexure "D" filed by the management with their written statement and which stands proved by the evidence of the clerks of various collieries mentioned earlier and from their affidavits. The ages were determined with reference to Form B Register and Provident Fund records which is a *prima facie* proof of their age. The real question, however, is whether without a specific provision in the Standing Orders, the employers had a right to retire these and other employees in their collieries in Parasasia Coalfield without subjecting them to medical test about their physical incapacity to work and in the absence of a specific provision under the Standing Orders. The employers admittedly have not retired them on the ground of medical unfitness and no medical examination of the workers who have been retired, was resorted to before retiring them. They have taken the stand that such was the prevailing practice of the company for quite a long time and to which the workers had never objected. In this aspect of the matter, the employers stand and the evidence produced had been rather inconsistent. The conciliation failure report would show that during conciliation, their stand was that they had retired those workers who had crossed the age of 60 years on the basis of prevailing practice and because of their old and failing health. They had further contended that there was a provision in the Standing Orders of the company applicable to the Coal Mines in Shahdol district and therefore by analogy they could do the same thing in respect of workers in the Parasasia Coalfield. The evidence produced to support the case of prevailing practice is highly conflicting. Sri Hukum Chand Yadav (E.W. 1) pension clerk of the company stated that employees over 55 years of age used to be retired on the basis of a very old practice. He has been a clerk for a little over 4 years in the company and was not competent to depose for the practice having been old. According to him, cases recommended for retirement came to him from collieries between the age group 55 and 60 years and there was no case over the age of 60 years to his knowledge. This statement is in variance with the case of the management that employees over the age of 60 were retired. Actually, his evidence is against the established fact that all the 27 cases out of 34 concerned workmen which were dealt with by him were all over 60. He admitted that there was no medical unfitness report with the cases coming up to him and he could not say on what basis they were retired. He further admitted that in the appointment letters, there was no condition for retirement. For gratuity and pension, his statement was that those who had less than 30 years service, did not get pension but were granted some *ex gratia* payment which depended upon the sweet will of the company. He could not say what was the measure or principle adopted by the Head Office of the Company in fixing the pension for those who had rendered more than 30 years service.

11. Sri P. K. Dhanl (E.W. 2) a clerk of Chandametta Colliery gave a new case stating that the practice was to retire those employees who were between the age group of 50 to 60 years. He, however, admitted that the manager on special request could allow a workman to continue in service even beyond the age of 60 years. When questioned specifically about Sri Khittu whose age is recorded as 65, he admitted that there was no paper by which it could be shown that Sri Khittu made a special request for continuance and was allowed to continue on his request.

12. Sri Killedar (E.W. 3) an Asstt. Head Clerk of Bhamori Colliery gave a new case that only when a worker has attained the age of 60 years and is not found fit, he is asked to apply for retirement. The condition of his health is assessed visually by the manager himself and no medical examination is rendered. If a worker presents him difficulties and requests for continuance, the Manager may allow him to continue in service.

13. Sri Har Lal (E.W. 4) stated that according to the prevailing practice for retirement he scrutinises Form B Register and sends a written report to the manager in respect of those who have completed 58 years of age. Such reports were not produced by him to support his deposition which remains a bare statement and which has not been consistent with the evidence of other clerks who have not deposed that they used to send similar reports to the manager. According to him, the manager would call such workmen, interrogated them and those who are ordered to be retired are directed to fill up pension applications and would retain those whom he may like to continue.

14. Sri John Mohd. (E.W. 5) a clerk of Barkuhl Colliery also stated that only those who had completed 58 years of age were prone for retirement depending on the sweetwill of the manager.

15. By an analysis of the evidence and judged in the light of the case taken up by the management, it is manifest that there is no uniform consistent practice which the management may have been resorting for retirement of workers in the Parasia Coalfield. It all depended with the sweetwill of the manager who may allow any to continue and may not allow others. A glance at the respective ages of the 34 workmen, as mentioned by the employers themselves in annexure "D" of the written statement, would show that there are a good many cases where ages were over 60 years and were allowed to continue. In Datla West Colliery, out of eight, one Pooran (Sl. No. 4) had the age of 67 years, Sheikh Jamil (Sl. 2) 65 years, Ramlal (Sl. 6) 64 years and Kolhu (Sl. 7) 62 years. In Bhamori Colliery, out of seven, Mohd. Bux (Sl. 3) was allowed to continue upto 72, Bhukhari (Sl. 7) upto 69 years and Fusu (Sl. 5) upto 64 years of age. In Chandametta Colliery out of five, Pahalad (Sl. 5) was 62 years old, Bhaiya Lal (Sl. 4) was 63 years old and Khittu (Sl. 3) had the age of 62 years. In Chandametta Workshop Ahmed Khan (Sl. 1) was of 68 years, Jamal Khan (Sl. 2) was of 66 years, Jawahar Singh (Sl. 5) was of 63 years and Dev Rao (Sl. 4) had 68 years of age. In Eklahera Colliery, there is a single workmen, Smt. Pooni. She was allowed to continue upto 67 years. In Barkul Colliery, out of four, at least two Nanhe Lal (Sl. 2) had the age of 66 & Gulley (Sl. 3) 63 years. In Jatachhapa Colliery, both the workmen Bhoora (Sl. 1) and Ghanno (Sl. 2) had the recorded age of 64 years. In the face of these figures, it does not lie in the mouth of the management to contend that generally workers were retired on attaining the superannuation age of 60 years or if the evidence as deposed to by witnesses be taken into account, at the age of 58 years. There evidently, was no uniform practice and the whole thing depended on the sweetwill of the manager. The mere fact that some *ex gratia* payment is made by way of gratuity or some pension is also sanctioned by the Head Office on qualifying service of 30 years which also depends on the sweetwill of the company, is a poor recompense for the loss of service. The management has not produced the rules, if any, which may have been prescribed by the Head Office in the matter of gratuity or pension. A glance at annexure "F" filed with the written statement of the employers would show that the amount of pension or gratuity sanctioned is very meagre and it is not known on what basis this had been done by the Head Office. Some of the workers received payment and some not. Those who obtained payment had to accept the same because of necessity and not necessarily as a voluntarily act on their part. There can, therefore, be no question of estoppel or acquiescence in the matter.

16. Just because there is a provision in the Standing Orders in the Shahdol district or Rewa Coalfield, it will be of no help to the management for the employees in the Parasia Coalfield. In order to arm with such a power for the Parasia Coalfield and for which there is a separate set of Standing Orders, they have to get their Standing Orders suitably amended. Unless this is done or the retirement age and conditions are fixed either by an award or by an agreement with the Union the management cannot allocate the power to themselves to retire a workman compulsorily. It was not a part of contract at the time of appointment. The leading Supreme Court cases *Guest, Keen, Williams (P) Ltd* reported in 1959 A.I.R. (S.C.) p. 1279 and *Workmen of Kettlewell and Company Vs. Kettlewell Bullen & Co.* reported in 1964 (II) L.L.J. p. 146 are relevant on the question. There is nothing in the Coal Mine Regulations to entitle the management with such a power. Regulation 28 which has been referred on behalf of the management applies to only managers or officials or shortfirers or winding engine men in a mine. It is a prohibitory provision which states that none of these categories would be allowed to work without obtaining a medical certificate of fitness. The management have not retired the workmen for non-compliance of Regulation 28 of the Coal Mines Regulation and which would not be of any help to them in the matter. Recommendation, if any, of the Wage Board on the question, however, is also irrelevant. Issues are held accordingly.

17. Issue No. 6—The next question is to what relief are the workmen entitled. Considering the terms of reference, the first issue will have to be answered that the action of the management in the absence of fixed pension or gratuity scheme or a provision in the Standing Orders to that effect is not justified and legal. They cannot resort unilaterally to retire compulsorily those workmen who do not want to retire and accept their offer of pension or gratuity. At the same time, it would not be desirable to compel the management to continue employ those who are medically found unfit after they had attain the age of 60 years. The question of

medical fitness, however, cannot be left to the sweetwill of the manager or even to the discretion of the company's doctor. Such of them who in the opinion of the management are really medically unfit should be subjected to medical examination by the Civil Surgeon of the district. With these principles in view directions for the issues under reference are herewith recorded.

Decision.

1. For Issue No. 1 under reference, it is held that the action of the management of M/s Shaw Wallace and Company Ltd., in requiring their workmen employed in their collieries in Parasla Coalfield, in the absence of any fixed pension or gratuity scheme and in the absence of any provision in their Standing Orders to this effect, is neither legal nor justified.

2. For Issue No. 2, it is directed that those workmen who have been retired and now offer themselves for employment within one month from the date of enforcement of the award and do not accept the offer of gratuity or pension or even those who received such payment including notice pay and other benefits are prepared to refund back or are willing to be adjusted in wages will be deemed to have been in employment and will be entitled to their full wages from the date of their retirement till found medically unfit on medical examination by the Civil Surgeon of the district. No finding is recorded in particular about the 33 workmen mentioned in the second part of the Issue No. 2 under reference and named in the annexure. Their cases will be covered by general relief answered under the first part of the issue. The Union will be entitled to Rs. 200/- as costs from the employees.

Sd./- G. C. AGARWALA.

Presiding Officer

9-2-1968.

ANNEXURE "A"

(Annexure 'D' to the written statement of the empl.)

Sl. No.	Name of the Colliery	Name of the person	Age attained at the time of retirement.
1	2	3	4
1	Datta West Colliery	1. Ghoria s/o Saligram	60 Years.
		2. Shikh Jamil S/o S.K.Farid	65 Years.
		3. Pratap Singh S/o Mahip Singh	61 Years.
		4. Pooran s/o Parmanand	67 Years.
		5. Jageswar s/o Chandni	61 Years.
		6. Ramlal s/o Manni	64 Years.
		7. Kolhu s/o Ithoba	62 Years.
		8. Smt. Muriya w/o Chhotelal	—
2	Bhamra Colliery	1. Sheoprasad	65 Years.
		2. Mahilal Mahra	62 Years.
		3. Mohd. Bux	72 Years.
		4. Ude	62 Years.
		5. Pusoo	64 Years.
		6. Shankar Rao	61 Years.
		7. Bhikhari	69 Years.
3	Chandametta Colliery	1. Battoolal s/o Mohan	61 Years.
		2. Kali deen	61 Years.
		3. Khittoo	62 Years.
		4. Bhaiyalal	63 Years.
		5. Prahlad	62 Years.

1	2	3	4
			Yrs. Months
1	Chandametta Workshop	1. Ahmed Khan	68 2
		2. Jamal Khan	66 2
		3. Shakharan	61 9
		4. Devrao	68 2
		5. Jawahar Singh	63 2
		6. Lungi	61 2
		7. Karim	61 2
5	Eklehra Col' ery	1 Smt. Pooni	67 —
6	Barkui Col' ery	1. Sk. Haiddar	61 —
		2. Hanhey lal	66 —
		3. Galley	63 —
		4. T.K. Swamy	62 —
7	U'ichhap Coll ery	1. Bhoora	64 —
		2. Ghanoo	64 —

PART OF AWARD

(d. - G.C. AGARWALA),
Presiding Officer,
9-2-1968.

ANNEXURE "A"

(Annexure 'F' to the written statement of the employees).

Sl. No.	Name of the pensioner	Pension per month	Date of Drawing pension
Chandametta			
1	Prahalad s/o Narayan	14.77	8-8-1966
2	Kalidin s/o Harbhajan	27.94	Not drawn advised Colliery on 21-11-1966
3	Khittoo s/o Gajraj	16.01	7-8-1966
4	Bhaiyalal s/o Mithoo Singh	16.90	7-8-1966
Barkui			
1	Gulley s/o Mohan	2191.50	(Full commutation paid on 14-10-1966)
2	Nanheylal s/o Basori	2106.00	Full commutation paid on 14-10-1966).
3	Sk. Haiddar s/o Sk. Bux	18.05	5-7-1966
Bhamori			
1	Sheo Prasad s/o Appa	26.72	1-9-1966
2	Mahilal s/o Annoo	14.22	Not drawn advised Colliery on 21-11-1966
3	Mohd. Bux s/o Gusala	13.49	1-9-1966 Expired on 25-7-67
4	Pusau s/o Raisa Ahir	14.00	1-9-66 (Rs. 1050/- 50% commutation.)
5	Bhikhari s/o Nankoo	15.37	21-9-1966
6	Shanker Rao Clerk	17.03	(Not drawn advised Colliery on 25-4-67).

1	2	3	4
<i>Eklehra Colliery</i>			
1	Pooni w/o Esnia	10.46	11-9-1966
<i>Jatachhapa Colliery</i>			
1	Ghannoo		Rs. 200/- paid as <i>Ex-gratia</i> payment.
2	Bhura s/o Mandari	10.07	14-9-1966
<i>Datta West Colliery</i>			
1	Pooran s/o Parmanand	10.15	(Not drawn advised Colliery on 19-10-1967).
2	Jageshwar s/o Chandi	18.70	17-9-1966
3	Ramlal S/o Manni	17.73	1-10-1966
4	Kohloo		Rs. 100/- sanctioned on 12-4-67 but amount not drawn.
<i>Chandametta Workshop</i>			
1	Ahmed Khan s/o Bhure Khan		Rs. 150/- <i>ad-hoc</i> payment (advised workshop on 17-2-67 but amount not drawn).
2	Sk. Zamal s/o Sk. Babboo		Rs. 48.17 not drawn advised Workshop on 17-2-67.
3	Sakharam s/o Bhiwaji		Rs. 139.11 gratuity sanctioned. Advised C/Workshop on 17-2-67—amount not drawn.
4	Deoram s/o Maniram		Rs. 300/- <i>ex-gratia</i> paid on 23-8-67.
5	Lungi s/o Gangaram		Rs. 94.29 gratuity sanctioned. Advised C/Workshop on 17-2-67—amount not drawn.
6	Sk. Karim s/o Sk. Basir Mohd.		Rs. 10.95 advised Chanda-metta Workshop on 17-2-67.

PART OF AWARD

(Sd./- G. C. AGARWALA,
Presiding Officer.
9-2-1968.

[No. 5/13/67-LR.II.]

S.O. 910.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (4 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Khas Karanpura Colliery, Post Office Patrattu, Distt. Hazaribagh and their workmen, which was received by the Central Government on the 27th February, 1968.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT JABALPUR

Dated February 19, 1968

PRESENT:

Shri G. C. Agarwala—Presiding Officer

REFERENCE CASE No. CGIT/LC(R)(43) OF 1967 (JABALPUR)
CGIT/LC 96/64 (DHANBAD)

PARTIES:

Employers in relation to Khas Karanpura Colliery, P.O. Patrattu

Vs.

Their workmen through the General Secretary, Colliery Staff Association,
P.O. Religara.

APPEARANCES:

For Employers:—Shri G. L. Sharma, Partner of M/S Sharma & Co (Khas Karanpura Colliery).

For workmen:—Shri D. D. Sinha, Secretary, Colliery Staff Association

INDUSTRY: Coal Mine

DISTRICT: Hazaribagh (Bihar)

Matter of Dispute

AWARD

By notification No. 2/75/64-LR. II, dated 5th August, 1964 the Ministry of Labour & Employment, Government of India, referred the following matter of dispute, as stated in the order of reference to Central Government Industrial Tribunal, Dhanbad from where the case was transferred to this Tribunal by Notification No. 8/25/67-LR. II, dated 25th August, 1967.

MATTER OF DISPUTE

Whether the dismissal of Sarvashri Kanu Gope and Sitaram Yadav, workmen of the Khas Karanpura Colliery, by the management with effect from the 14th March, 1964 was justified? If not, to what relief are the workmen entitled?

The dispute relates to dismissal of two workmen S/Shri Kanu Gope and Sitaram Yadav. It was sponsored by the Union, the Colliery Staff Association, Karanpura field. Before Dhanbad Tribunal, the Union alone filed the statement of claim. After transfer of the case to this Tribunal, and issue of usual notices, the employers filed written statement on 18th July '67. On the next hearing on 16th August 1967, the employers filed a compromise petition settling the dispute directly with one of the two concerned workmen, Shri Sitaram Yadav, terms of which are reproduced as annexure 'A'. The Union contended that they had no knowledge of this compromise and would not press the dispute for this workman Shri Sitaram if he had settled the matter with the employers. They, however, contended that they would still press for their costs. The employers took further adjournment to settle the dispute with the remaining workman, Shri Kanu Gope and for which various dates were given. On the hearing at Dhanbad on 15th December 1967, the employers filed another compromise petition purported to have been brought about with Kanu Gope but again without the intervention of the Union. Since Kanu Gope had not appeared to verify the alleged settlement on this date and the stand of the Union was the same as before in respect of the settlement Shri Sitaram Yadav, the employers were directed to produce Shri Kanu Gope for verification of the compromise. On the hearing rendered at Dhanbad on 12-2-68, the employers succeeded in producing Kanu Gope. He admitted that he had received Rs. 1,000 from the management and had affixed thumb mark on the receipt. The terms of the settlement with Kanu Gope are reproduced in Annexure 'B' to this Award. It is thus manifest that both the workmen have received substantial amount in full and final payment of their dispute. The compromise petitions having been found to be *bona fide* and genuine, there is no dispute left to be adjudicated and an award is recorded in terms of compromise brought about by the employers with each workman separately. Since, however, the employers did so without the intervention of the Union, the Union Colliery Staff Association will be entitled to Rs. 200/- as costs of the proceedings from the employers.

(Sd) G. C. AGARWALA,
Presiding Officer.
19-2-1968.

ANNEXURE "A"

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JUBBULPORE AT CAMP--TILAIA
REFERENCE No. CGIT/LC(R)(43)/67

BETWEEN

Employers in relation to Khas Karanpura Colliery

AND

Their workmen

The humble petition on behalf of the employers and Sri Sitaram Yadav one of the workmen concerned in the present reference most respectfully sheweth:—

That without prejudice to the respective contention of the parties the matter has been amicably settled between the Employers and Sri Sitaram Yadav.

That the workman Sri Sitaram Yadav was not the member of the Colliery Staff Association Karanpura Branch or of any Union on or before 14th March, 1964.

That Sri Sitaram Yadav is no longer interested to work in the Khas Karanpura Colliery in any capacity and his dismissal with effect from 14th March, 1964 will stand.

That Sri Sitaram Yadav has voluntarily received an *ex gratia* payment of Rs. 1,500 (one thousand five hundred) only in full and final settlement of all his claim and demand upto the date of settlement.

That there does not exist any Industrial dispute between the employer and Sri Sitaram Yadav which needs adjudication by the Humble Tribunal.

It is, therefore, humbly prayed that this compromise may kindly be recorded and an award be passed in terms thereof.

(Sd.) SITARAM YADAV

Workman concerned

Witnesses

I (Sd.) MD. SAYED KHAN

Employee of

Khas Karanpura Colliery

D/- 16th August, 1967.

For Employers

(Sd.) GIRDHARI LAI SHARMA

Partner

Khas Karanpura Colliery

Part of the award

(Sd.) G. C. AGARWALA,

Presiding Officer

ANNEXURE 'B'

BEFORE THE PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PUBBULPORE AT CAMP--DHANBAD

REFERENCE No. CGIT/LC(R)(43)/67

BETWEEN

Employers in relation to Khas Karanpura Colliery

AND

Their Workmen

The humble petition on behalf of the Employers and Shri Kanu Gope one of the workmen concerned in the present reference

Most respectfully sheweth:—

That without prejudice to the respective contention of the parties the matter has been amicably settled between the Employers and Shri Kanu Gope.

That the Workman Sri Kanu Gope was not the member of the Colliery Staff Association Karanpura Branch or any Union on or before 14-3-64.

That Sri Kanu Gope is no longer interested to work in the Khas Karanpura Colliery in any capacity and his dismissal with effect from 14-3-64 will stand.

That Sri Kanu Gope has voluntarily received an *ex-gratia* payment of Rs. 1,000 (One thousand only) in full and final settlement of all his claim and demand upto the date of settlement.

That there does not exist any Industrial dispute between the employer and Sri Kanu Gope which needs adjudication by the Humble Tribunal.

It is, therefore, humbly prayed that this compromise may kindly be recorded and an award be passed in terms thereof.

(Thumb mark)
(Sd.) KANU GOPE
Workman Concerned.

For Employers
(Sd.) GIRDHARI LAL SHARMA
Partner
Khas Karanpura Colliery

Witnesses

1. (Sd.) C. C. CHATTERJEE
Employee of Khas Karanpura Colliery
2. (Sd.) MD. SAYEED KHAN
Employee of Khas Karanpura Colliery

Part of award
Sd./- G. C. AGARWALA,
[No. 2/75/64-LR.II]

S.O. 911.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the Industrial dispute between the employers in relation to the management of Kharkharee Colliery of M/s. Bharat Mining Corporation Limited and their workmen which was received by the Central Government on the 23rd February, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—CUM—
LABOUR COURT AT DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 50 OF 1967

PARTIES:

Employers in relation to the Kharkharee Colliery of Messrs Bharat Mining Corporation Ltd., P.O. Kharkharce, (Dhanbad).

Versus

Their Workmen.

PRESENT:

Shri Kamla Sahai,
Presiding Officer.

APPEARANCES:

For the Employers: Shri S. S. Mukherjee, Advocate.

For the Workman: Shri Lalit Burman, General Secretary, Bihar Koyla Mazdoor Sabha, Dhanbad.

STATE: Bihar

INDUSTRY: Coal.

Dhanbad, dated the 12th February, 1968

AWARD

The question which has been referred for adjudication in this case is a very limited one. On forming the opinion that an industrial dispute exists, the Central Government has, *vide* its order No. 2/120/67-LR.II dated the 9th November, 1967, referred the following schedule to this Tribunal:—

SCHEDULE

“Whether the action of the management of Kharkharee Colliery of Messrs. Bharat Mining Corporation Limited, Post Office Kharkharce, District Dhanbad in transferring Shri Lachhman Mahato, Prop. Mistry, from Kharkharee Colliery to Babisole Colliery, *vide* management's letter dated 18th April, 1967, amounts to victimisation? If so, to what relief is the workman entitled?”

2. It may be noticed that the question is not whether the action of the management in transferring Shri Lachhman Mahato, is justifiable but whether it amounts to victimisation. The next question is, of course, to be considered only after I come to the conclusion that the transfer amounts to victimisation.

3. Shri Lachhman Mahato, the concerned workman, was working as a prop mistry at Kharkharee colliery. The management's case is that there was a

general reduction in the working faces of Kharkharee colliery specially because most of the working faces in incline No. 15 were closed and hence the services of some prop mistries like Shri Lachhman Mahato became surplus. Under a letter dated the 18th April, 1967, they were transferred to Babisole colliery which belongs to the same owners and they were asked to join that colliery on the 20th April, 1967. Shri Lachhman Mahato accordingly went there but, without reporting for duty to any one there, he left the place. He wrote a letter dated the 1st June, 1967 on false allegations and a reply dated the 6th June, 1967 was given to him. The transfer was fully justified. Both the collieries belonged to the same owners and were under a common management. The post to which he was transferred did not affect his wages or any other condition of his service.

4. The workman concerned has filed a written statement in which he has made out a case that he was transferred to Babisole colliery on the ground of closure of incline No. 15 of Kharkharee colliery, that though the transfer was objectionable on the grounds of (i) Babisole colliery being in the State of West Bengal and (ii) the existence of serious labour trouble in that colliery, he joined that colliery on the 5th May, 1967, but, after he has worked for about 12 days he was told that there was no further work for him in Babisole and that he must go back to Kharkharee. That the workman returned to Kharkharee and complained to the Manager who told him that the matter would be taken up after return of the Agent from leave; that he made a written complaint to the Manager on the 1st June, 1967; that the Manager gave a reply by which he refused to allow him to join his duty at Kharkharee, that the transfer to Babisole colliery was improper, unjustified, malafide and amounting to victimisation, that the malafide intention was to get rid of the workman without paying the statutory retrenchment compensation which he was entitled to get; that, in this case, the workman would have received eight months salary and other emoluments as compensation and that the management was wrong in not giving re-employment to the workman even after the work in No. 15 incline restarted.

5. The management filed its original standing orders and has placed on record an extract from it as exhibits M4 without any objection by the workman. This extract consists of paragraph 17 of the standing orders. It reads as follows:—

“All workmen are liable to be transferred in the exigencies of work from one department to another or from one station to another or from one coal mine to another under the same ownership provided that by reason of such transfers the wages and other conditions of service of the workmen are not altered to their disadvantage and provided further that reasonable notice is given of such transfers. The workmen concerned shall be paid the actual transport charges plus 50 per cent thereof to meet incidental charges”.

6. It is clear from the above extract that the management is entitled to transfer a workman from one coal mine to another under the same ownership. The only important restriction is that the transfer is not to affect the wages and other condition of service of the workman to his disadvantage. It is not alleged by the workman concerned in this case that his wages or any condition of his service were to be altered to his disadvantage by obeying the orders of transfer. MW 2 is the Manager of Kharkharee colliery. He says that depillaring operation was going on in incline No. 15 and that when the depillaring operation in that area was exhausted, Shri Lachhman Mahato and other workmen were transferred to Babisole colliery. He is definite that he did not recruit any new and junior hand as prop mistry at Kharkharee colliery at the time of transfer of Lachhman Mahato and others. The case which has been put to him in cross-examination is that junior prop mistries were retained in the Kharkharee colliery while Lachhman Mahato and other senior prop mistries were transferred. This has not even been alleged in the written statement. In the cross-examination, Shri Lachhman Mahato himself has admitted that he never protested in writing, saying that he was being transferred when his junior co-workers were being retained in Kharkharee. He says that he made an oral protest but it is difficult to accept such a statement.

7. Shri Lalit Burman, General Secretary of the Bihar Koyla Mazdoor Sabha, who represented the workman examined himself as a witness. He has given out that there was plenty of labour trouble in Babisole colliery. I do not see how that helps the case of Shri Lachhman Mahato. Shri Burman has stated that there was a lockout in August 1960 in Babisole colliery and that 200 to 250 workmen were driven out from that colliery in October, 1966. It does not appear that

there was any trouble at Babisole Colliery in April, 1967, when Lachhman Mahato was to join there.

8. There is absolutely no material on the record on the basis of which I can hold that Lachhman Mahato's transfer on the 18th April, 1967 was due to victimisation. On the other hand, the workman's case appears to make out rightly or wrongly, that there was stoppage of work. He says that the order of transfer was passed and he actually joined at Babisole Colliery. In fact, according to him, he worked there for about 12 days and thereafter the Agent of Babisole Colliery, MW1, refused to give him work. When he asked the Agent to give this to him in writing, he did not do so. If this was a fact the workman could easily have raised an industrial dispute that he was stopped from working. He does not appear to have filed any petition before the Agent of Babisole Colliery. He filed an application dated the 1st June, 1967 in Kharkharee Colliery but, by that time, he had already accepted his transfer and had ceased to be a workman of Kharkharee colliery. In any case, that application was also belated. If his case is to be believed, he ceased working in Babisole Colliery from about the 17th May, 1967. There does not appear to be any good reason why he could not take action for 13 or 14 days.

9. On a consideration of all the facts and circumstances of the case, my conclusion is that there has been no victimisation in this case. My award accordingly is that the action of the management of Kharkharee Colliery of M/s. Bharat Mining Corporation Limited in transferring Shri Lachhman Mahato, Prop Mistri from Kharkharee Colliery to Babisole Colliery vide the management's letter dated the 18th April, 1967 did not amount to victimisation. The second question does not, therefore, arise for consideration.

10. Let this award be submitted to the Central Government under section 15 of the Industrial Disputes Act.

(Sd.) KAMLA SAHAI,

Presiding Officer

[No. 2/120/67-LRII]

S.O. 912—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Kustore Colliery (Raneegunge Coal Association Limited), Post Office Kusunda, Dhanbad and their contractors M/s. D. M. Shukla and Company of the one part and their workmen of the other part which was received by the Central Government on the 27th February, 1968.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL, TRIBUNAL-CUM-
LABOUR COURT AT JABALPUR**

Dated February 19, 1968.

PRESENT

Shri G. C. Agarwala—Presiding Officer

REFERENCE CASE NO. CGIT/LC(R)(13) OF 1967 (JABALPUR)

No. CGIT/LC(50)/62 (DHANBAD)

PARTIES:

Employers in relation to the Kustore Colliery (Raneegunge Coal Association Ltd., and their Contractors Messrs D. M. Shukla & Co.

Versus

Their workmen through The General Secretary, Bihar Koyala Mazdoor Sabha.

APPEARANCES:

For Employers:—

**Shri S. N. Basu,
Senior Personnel Officer**

Shri Harshad Rai Shukla

For Workmen:—

**Shri Lalit Burman,
Secretary**

INDUSTRY: Coal Mine

DISTRICT: Dhanbad (Bihar)

AWARD

By notification No. 2/90/63-LRII, dated 5th May, 1964 the Ministry of Labour & Employment, Government of India, referred the following matter of dispute, as stated in the order of reference to Central Government Industrial Tribunal, Dhanbad from where the case was transferred to this Tribunal by Notification No. 8/25/67-LR-II, dated the 25th August, 1967;

Matter of Dispute

Whether the action of the management of Kustore Colliery of Raneegunge Coal Association Limited and their Contractors Messrs D. M. Shukla and Company, in not giving employment to Shri Dhaneswar Dushad, Trammer Sardar from the 1st September, 1963, is justified? If not, to what relief is the workman entitled?

It appears that the Kustore Colliery was being run by Contractors M/s. D. M. Shukla and Co. at the relevant time when the workman concerned was denied work. Before the Dhanbad Tribunal, the Union and the management of Kustore Colliery filed their statements of claim. After transfer to this Tribunal and issue of usual notices, the Contractors could be served only on the hearing rendered at Dhanbad on 22nd August, 1967. All the parties then took time to compromise the dispute which was allowed. They failed to bring about a statement in the beginning and the Contractors M/s. D. M. Shukla and Co. also filed their statement of claim on 16th September, 1967. The case was then fixed for 22nd December, 1967 for hearing at Dhanbad but on this date, the employers took adjournment which was granted on payment of certain costs. On the next date of hearing at Dhanbad which was 14th February, 1968, good sense prevailed and the parties patched up the dispute and filed compromise petition, embodying terms of settlement which are reproduced as Annexure to the award. It appears that on payment of Rs. 1200/- to the workman concerned in full and final settlement, the dispute has been resolved. Accepting the compromise settlement, an award is recorded in terms thereof.

(Sd.) G. C. AGARWALA, Presiding Officer.
19-2-68

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (CENTRAL), JABALPUR.

REFERENCE No. CGIT/IC(R) (13)/67.

PARTIES:

Employers in relation to Kustore Colliery (Raneegunge Coal Association Ltd.) and their Contractor—Messrs. D. M. Shukla & Co.

AND

Their workman on the other part represented by the Bihar Koyla Mazdoor Sabha.

Petition of Compromise

1. That the Industrial Dispute in respect of the workman Shri Dhaneswar Dushad has been pending before the Hon'ble Tribunal.
2. That the parties without prejudice to their respective submissions before the Hon'ble Tribunal, agree to settle the dispute on the following terms and conditions

Terms of Settlement

(a) That the employers (the Contractors) agree to make payment of Rs. 1200/- (Rupees one thousand two hundred only) and the workman Shri Dhaneswar Dushad consents to accept the same in full and final settlement of all his claims and he shall have no claim for reinstatement.

(b) That the workman shall have no other claims on the Company or the Contractors after the above payment is made to him.

(c) That the employers (the contractors) agree to make payment of the agreed amount as mentioned above to the workman concerned on the very date of signing of this settlement.

3. That the parties hereby pray that the Hon'ble Tribunal may be pleased to hold the above terms and settlement as fair and reasonable and may be pleased to pass an award accordingly.

And for this the petitioners shall pray
For the workman

LALIT BURMAN,
24-1-68.
General Secretary,

Bihar Koyla Mazdoor Sabha,
Dhanbad.

Workman

धनेश्वर दुसद

24-1-68

(Dhaneswar Dusad)

Witness.
(Sd.) Illegible
24-1-68.

For M/s. D. M. SUKLA & Co
HARSADRAY SUKLA,

24-1-68

Main Road, Jharia,
Dhanbad

For the management

Kustore Colliery—(Raneegunge
Coal Association Ltd.)

S. N. BASU, Chief Personnel Officer
24-1-68

Part of award.

Sd/- G. C Agarwala
Presiding Officer

Before me,

N. D. BODADE,

24-1-68

Regional Labour Commissioner (C)
Dhanbad.

[No 2/90/63-I.R II]

New Delhi, the 4th March 1968

S.O. 913.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the North Golakdih Colliery of Messrs North Golakdih Colliery Co., Post Office Baliapur, District Dhanbad and their workmen, which was received by the Central Government on the 27th February, 1968.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT AT JABALPUR**

Dated, February 19, 1968

PRESENT:

Shri G. C. Agarwala—Presiding Officer.

REFERENCE CASE No. CGIT/LC(R)(34) OF 1967 (JABALPUR)
CGIT/LC(71)64 (DHANBAD)

PARTIES:

**Employers in relation to North Golakdih Colliery of M/s. North Golakdih
Colliery Co., P.O. Ballapur**

Versus

**Their workmen through the Secretary, Koyala Mazdoor Panchayat,
P.O. Jharia**

APPEARANCES:

For Employers—Shri Mohanlal Agarwala.

**For Workmen—Shri H. N. Singh, Vice-President, Koyala Mazdoor
Panchayat.**

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

By notification No. 2/53/64-LR-II, dated 24th June, 1964 the Ministry of Labour and Employment, Government of India, referred the following matter of dispute, as stated in the order of reference to Central Government Industrial Tribunal, Dhanbad from where the case was transferred to this Tribunal by Notification No. 8/25/67-LR-II, dated 25th August, 1967:

Matter of Dispute

Whether the management of the North Golakdih Colliery of Messrs North Golakdih Colliery Company, Post Office Baliapur, District Dhanbad.

caused stoppage of work of Shri Jagannath Mahato, Raulage Engine Khalasi, with effect from the 9th March, 1964; if so, to what relief is the workman entitled?

The Union filed statement of claim before the Dhanbad Tribunal. The management went on taking time to file statement of claim which ultimately they did on the hearing rendered at Dhanbad on 22nd July, 1967. On the next date of hearing which was 22nd December, 1967 the employers took adjournment which was granted on payment of costs. On this next date of hearing, the parties however have compromised the dispute and have filed a compromise petition duly verified before me, and which is an annexure to the award. The dispute has been resolved satisfactorily on payment of Rs. 500 as compensation to the workman concerned who has been treated as retrenched. Accepting the compromise, an award recorded in terms thereof.

(Sd.) G. C. AGARWALA,
Presiding Officer.

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR CAMP, DHANBAD

REFERENCE No. CGIT/LC(R)(34)/67

BETWEEN

Employers in relation to North Golakdih Colliery of North Golakdih Colliery
Company, P.O. Baliapur, Dhanbad

AND

Their workers Jagannath Mahato, Haulage Khalasi represented by Koyala
Mazdoor Panchayat, P.O. Jharia, District Dhanbad.

Due to shrinkage of faces a large number of coal-cutters and others had to retrenched and respective compensation paid as laid down u/s 25F of the Industrial Dispute Act, 1947. Services of Jagannath Mahato was retained for some time but later it was difficult to find job for him. Now in the mutual interest it is hereby agreed between the parties as follows :—

Agreement

That Shri Jagannath Mahato shall also be treated as retrenched from this date

That the employers agree to pay a lump sum amount of Rs. 500 (Rupees Five Hundred) only towards retrenchment compensation as laid down in 25F of the I.D. Act and compensation for his idleness.

That the employers agree to pay this amount to the workman on or before 26th February, 1968.

It is therefore prayed that the Honourable Tribunal be pleased to pass orders accordingly for which the parties shall remain thankful.

(Sd.) MOHANLAL AGARWALA,

Representing the Employers.

Dated, Dhanbad 19th February, 1968.

(Sd.) H. N. SINGH,

Representing Workman,

Verified

(Sd.) G. C. AGARWALA.

Part of Award

(Sd.) G. C. AGARWALA.

[No 2/53/64-LR-II.]

ORDERS

New Delhi, the 1st March 1968

S.O. 914.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ghanoodih Colliery of East Ghanoodih Colliery Company (Private) Limited, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Radhe Chamar, Pick Miner, No. 10 Incline, by the management of Ghanoodih Colliery of East Ghanoodih Colliery Company (Private) Limited, Post Office Jharia, District Dhanbad, with effect from the 28th July, 1967 was justified? If not, to what relief is the workman entitled?

[No. 2/17/68-LRII.]

New Delhi, the 2nd March 1968

S.O. 915.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Chora Colliery, Post Office Bahula (District Burdwan) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of East Chora Colliery, Post Office Bahula, District Burdwan was justified in changing the trade of Shri Nandalal Mahato On-setter Banksman to a Trammer? If not, to what relief is the workman entitled?

[No. 6/94/67-LRII.]

New Delhi, the 4th March 1968

S.O. 916.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Baragolai Colliery of Messrs Assam Railways and Trading Company Limited, Margheritta, Assam and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Baragolai Colliery of Assam Railways and Trading Company Limited, Post Office Margheritta, Assam is justified in not placing Sarvashri Dhoneswar Chetia and Ranjit Sen in the monthly scale of clerical grade III? If not, to what relief are the workmen entitled?

[No. 6/8/68-LRII.]

S.O. 917.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad and Messrs Industrial Supplies (Private) Limited, Raising Contractors of the said Balihari Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the action of the management of Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad and Messrs Industrial Supplies (Private) Limited raising contractors of the said Balihari Colliery Company (Private) Limited in refusing employment to the following workmen with effect from the dates shown against their names, was justified:—

S. No.	Name	Designation	Date of refusal of employment
1.	Shri Kalijiban Singh	Attendance Clerk	22-5-1967
2.	„ Gokul Lala	Overman	16-5-1967
3.	„ Hariram Mahato	Fitter	16-5-1967
4.	„ Pokhan Hari	Sweeper	20-5-1967
5.	„ Ramchabila Singh	Bonus Clerk	22-5-1967
6.	„ Dukhan Mahato	Fitter	20-5-1967

- (ii) If not, to what reliefs are these workmen entitled?

[No. 2/156/67-LRII]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

[Office of the Chief Labour Commissioner (Central)]

ORDERS

New Delhi, the 23rd February 1968

S.O. 918.—Whereas an application has been made by the establishment carrying on operation concerning Coal Mine mentioned in the Schedule below for extension of the period specified in clause (b) of Section 19 of the Payment of Bonus Act, 1965 (No. 21 of 1965), for the payment of bonus to their employees for the accounting year ended on the 31st March, 1967;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65 dated the 28th August, 1965, I, O. Venkatachalam, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishment to 12 (twelve) months from the close of the accounting year ended on the 31st March, 1967.

THE SCHEDULE

- (1) Busserya Coal Co Pvt. Ltd.,
P.O. Kusunda (Dhanbad).

(In respect of Busserya colliery).

[No. BA-5(38)/67-LSI.]

S.O. 919.—Whereas an application has been made by the establishment carrying on operation concerning any mine other than coal mentioned in the Schedule below for extension of the period specified in clause (b) of Section 19 of the Payment of Bonus Act, 1965 (No. 21 of 1965), for the payment of bonus to their employees for the accounting year ended on the 31st March, 1967;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the notification of the Government

of India in the Ministry of Labour and Employment No. WB-2(42)/65 dated the 28th August, 1965, I. O. Venkatachalam, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishment to eleven (11) months from the close of the accounting year ended on the 31st March, 1967.

THE SCHEDULE

- (1) V. M. Salgeocar and Brother
Pvt. Ltd, P.O. Box No.
14 Vasco-Da-Gama.

(In respect of Velguem Mines).

[No. BA-6(42)/67-LSI.]

O. VENKATACHALAM,
Chief Labour Commissioner (C).